Montana Legislative History

Chapter: 167 Session L: 1995
Bill Number: 302 House / Senate

Checklist of Bill History

History and Final Status Sheet	■
Introduced Bill	■
Fiscal Note	☐
Third Reading Bill	☐
Final Version of Bill	■

House	Senate
Committee: Business & Labor	Committee: Business & Industry
Hearing Date(s): 3/2	Hearing Date(s): 2/10
Committee Report: 3/4	Committee Report: 2/10

Conference Committee

Hearing Date(s): N/A

Conference Committee Report: N/A

Compiler Notes

Compiled by: Shane Cashin

Date: 3/30/2023

Notes: None.

SENATE BILL NO. 302

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING LAWS THAT ALLOW ELECTRIC SUPPLIERS TO ENTER AGREEMENTS CONCERNING SERVICE AREAS; AND AMENDING SECTION 69-5-108, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-5-108, MCA, is amended to read:

"**69-5-108. Agreements between electric suppliers as to service areas.** Notwithstanding the provisions of 69-5-103 through ~~69-5-107~~ 69-5-109, ~~any~~ an electric supplier may furnish electric service to any consumer at any premises being served by another electric supplier upon written agreement of the affected electric suppliers or at premises ~~which~~ that another electric supplier has the right to serve pursuant to this part, upon written agreement of the affected electric suppliers."

-END-

APPROVED BY COM ON
BUSINESS & INDUSTRY

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-END-

SB 302
SECOND READING

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-END-

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INTRODUCED BY JABS

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-END-

	TRANSMITTED TO HOUSE		
2/22	FIRST READING		
2/22	REFERRED TO LOCAL GOVERNMENT		
3/02	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED		
3/04	2ND READING CONCURRED	93	1
3/06	3RD READING CONCURRED	98	0
	RETURNED TO SENATE		
3/07	SIGNED BY PRESIDENT		
3/07	SIGNED BY SPEAKER		
3/08	TRANSMITTED TO GOVERNOR		
3/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 123		
	EFFECTIVE DATE: 03/10/95		

SB 300 INTRODUCED BY MILLER, ET AL.

REVISE CAMPAIGN PRACTICES — REQUIRE ADHERENCE TO THE CODE OF FAIR CAMPAIGN PRACTICES

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO STATE ADMINISTRATION		
2/04	FISCAL NOTE REQUESTED		
2/09	HEARING		
2/09	FISCAL NOTE RECEIVED		
2/09	FISCAL NOTE PRINTED		
2/18	TABLED IN COMMITTEE		
2/23	MISSED TRANSMITTAL DEADLINE FOR 45TH DAY		
	DIED IN COMMITTEE		

SB 301 INTRODUCED BY COLE, ET AL.

SUBMIT TO QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XI OF THE MONTANA CONSTITUTION BY ADDING A SECTION PROHIBITING THE STATE FROM IMPOSING MANDATES ON POLITICAL SUBDIVISIONS UNLESS FUNDED BY THE STATE OR APPROVED BY A VOTE OF QUALIFIED ELECTORATE OR POLITICAL SUBDIVISION'S LOCAL LEGISLATIVE BODY

BY REQUEST OF THE GOVERNOR

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO STATE ADMINISTRATION		
2/09	HEARING		
2/13	COMMITTEE REPORT—BILL PASSED		
2/14	2ND READING PASSED	29	19
2/16	3RD READING PASSED	35	15
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO STATE ADMINISTRATION		
3/10	HEARING		
3/21	TABLED IN COMMITTEE		
3/22	COMMITTEE REPORT—BILL CONCURRED		
3/28	2ND READING CONCUR MOTION FAILED	47	53

SB 302 INTRODUCED BY JABS

CLARIFY LAWS THAT ALLOW ELECTRIC SUPPLIERS TO ENTER AGREEMENTS CONCERNING SERVICE AREAS

2/03	INTRODUCED
2/03	FIRST READING

2/03	REFERRED TO BUSINESS & INDUSTRY		
2/10	HEARING		
2/10	COMMITTEE REPORT—BILL PASSED		
2/11	2ND READING PASSED	49	0
2/13	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
2/14	FIRST READING		
2/15	REFERRED TO BUSINESS & LABOR		
3/04	COMMITTEE REPORT—BILL CONCURRED		
3/06	2ND READING CONCURRED	99	0
3/07	3RD READING CONCURRED	100	0
	RETURNED TO SENATE		
3/09	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/13	TRANSMITTED TO GOVERNOR		
3/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 167		
	EFFECTIVE DATE: 10/01/95		

SB 303 INTRODUCED BY PIPINICH, ET AL.

PROHIBIT A PERSON FROM OPERATING A PERSONAL WATERCRAFT AT GREATER THAN NO-WAKE SPEED WITHIN 100 FEET OF A DOCK, SWIMMER, SWIMMING RAFT, NONMOTORIZED BOAT, OR ANCHORED VESSEL ON A LAKE OR WITHIN 50 FEET OF A DOCK, SWIMMER, SWIMMING RAFT, NONMOTORIZED BOAT, OR ANCHORED VESSEL ON A RIVER

2/03	INTRODUCED		
2/03	FIRST READING		
2/03	REFERRED TO FISH & GAME		
2/14	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	2ND READING PASSED	33	14
2/20	3RD READING PASSED	37	13
	TRANSMITTED TO HOUSE		
2/20	FIRST READING		
2/20	REFERRED TO FISH & GAME		
3/02	HEARING		
3/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/13	2ND READING CONCURRED	60	39
3/14	TAKEN FROM 3RD READING AND PLACED ON 2ND READING		
3/24	2ND READING CONCURRED AS AMENDED	83	5
3/27	3RD READING CONCURRED	83	13
	RETURNED TO SENATE WITH AMENDMENTS		
3/30	2ND READING AMENDMENTS CONCURRED	35	9
3/31	3RD READING AMENDMENTS CONCURRED	41	8
4/04	SIGNED BY PRESIDENT		
4/05	SIGNED BY SPEAKER		
4/06	TRANSMITTED TO GOVERNOR		
4/10	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 345		
	EFFECTIVE DATE: 04/10/95		

SB 304 INTRODUCED BY PIPINICH

REVISE REQUIREMENTS FOR TAKING OF FISH OR GAME FOR SCIENTIFIC PURPOSES

2/03	INTRODUCED		
2/03	FIRST READING		

SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 3, 1995 — State Capitol

Senate convened at 3:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Baer and Burnett, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the twenty-eighth legislative day, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): February 3, 1995
Correctly printed: SB 13, SB 78, SB 124, SB 128, SB 153, SB 186, SB 204, SB 272.
Correctly engrossed: SB 80, SB 83, SB 103, SB 114, SB 122, SB 126, SB 151, SB 156, HB 73, HB 98.
Correctly enrolled: SB 45.
Signed by the Speaker of the House at 7:15 p.m., February 2, 1995: SB 46, SB 70. February 2, 1995
Examined by the sponsor and found to be correct: SB 45. February 3, 1995
Signed by the Secretary of the Senate at 10:10 a.m., February 3, 1995: SB 45.
Signed by the President at 10:10 a.m., February 3, 1995: SB 45.
Delivered to the Governor for his approval at 11:10 a.m., February 3, 1995: SB 46, SB 70.

BUSINESS & INDUSTRY (Hertel, Chairman): February 3, 1995
SB 22, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "EXEMPTING"
Insert: "PROVIDING A LIMITED EXEMPTION"
Following: "COVERAGE"
Insert: "FOR"

2. Title, line 6.
Strike: "OR PONY RIDER"

3. Page 2, line 22.
Strike: "or pony rider"

4. Page 2, line 23.
Following: "horseracing"
Insert: "from the time the jockey reports to the scale room prior to a race through the time the jockey is weighed out after a race if the jockey has acknowledged in writing, as a condition of licensing by the board of

horseracing, that the jockey is not covered under the Workers' Compensation Act while performing services as a jockey"

And, as amended, do pass. Report adopted.

SB 170, introduced bill, do pass. Report adopted.

FISH & GAME (Mesaros, Chairman): February 2, 1995
SB 211, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "asked"
Insert: "from a person engaged in a recreational activity"

2. Page 1, line 26.
Following: "property"
Insert: "or with an agreement to use or occupy property"

3. Page 3, line 8.
Strike: "malicious"
Insert: "wanton"

4. Page 4, line 27.
Following: line 26
Insert: "NEW SECTION. **Section 10. Two-thirds vote required.** Because [sections 1 through 4] limit governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage."

NEW SECTION. **Section 15. Contingency clause.** If the legislature fails to pass [this act] by the two-thirds vote required in [section 10], then the first sentence of [section 2 (2)] is amended to read: ""Owner" means a private person or entity of any nature."

And, as amended, do pass. Report adopted.

SB 269, introduced bill, do pass. Report adopted.

JUDICIARY (Crippen, Chairman): February 3, 1995
SB 200, introduced bill, be amended as follows:

1. Title, line 6.
Following: "INTERESTS;"
Insert: "EXTENDING A LIMITED EXEMPTION TO FIDUCIARIES; DEFINING "FORECLOSURE" AND "FIDUCIARY"; CLARIFYING THE STATUTE OF LIMITATIONS FOR COST RECOVERY TO CONFORM TO THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT;"

2. Statement of intent, page 2, line 11.
Following: "a"

Strike: "similar"
Following: "liability"
Insert: ", comparable to the one being proposed for action by congress under CERCLA,"
Following: "fiduciaries"
Insert: "and that it is necessary to add language concerning fiduciaries to Title 75, chapter 10, part 7"

3. Statement of intent, page 2, line 15.
Following: "consistent with"
Strike: "and parallel to"

4. Statement of intent, page 2, line 16.
Following: line 16
Insert: "Finally, the legislature intends that the limited exemptions for secured creditors and fiduciaries that are clarified and granted by this legislation extend not only to liability asserted by governmental entities but also extend to claims by any third parties for cleanup or for cost recovery or contribution."

5. Page 3, line 6.
Following: "administrator,"
Insert: "personal representative, custodian, conservator,"
Following: "guardian"
Insert: "or"

6. Page 3, lines 6 and 7.
Strike: ", conservator," on line 6 through "person" on line 7
Insert: "acting or"

7. Page 3, line 7.
Following: "property"
Strike: "in a fiduciary capacity."
Insert: "for the exclusive benefit of another person. The term does not include:

(a) a person who has previously owned or operated the property in a nonfiduciary capacity; or

(b) a person acting as fiduciary with respect to a trust or other fiduciary estate that has no objectively reasonable or substantial purpose apart from avoidance of or limitation of liability under this part."

8. Page 5, lines 12 through 19.
Strike: subsections (18) and (19) in their entirety

9. Page 7, line 30.
Strike: "(7)"
Insert: "(5)"

10. Page 8, line 13 through page 10, line 5.
Strike: subsections (2) and (3) in their entirety
Renumber: subsequent subsections

11. Page 10, lines 20 and 25.
Page 12, line 21.
Strike: "(4), and (5)"
Insert: "(2), and (3)"

12. Page 11, line 15.
Strike: "(5)"
Insert: "(3)"

13. Page 11, line 21.
Page 12, line 5.
Strike: "(7)(c)(ii)"
Insert: "(5)(c)(ii)"

14. Page 12, lines 3 and 6.
Strike: "(8)(a)(i)"
Insert: "(6)(a)(i)"

15. Page 12, line 4.
Strike: "(8)(a)(iii)"
Insert: "(6)(a)(iii)"

16. Page 12, line 5.
Strike: "(7)(c)(i)"
Insert: "(5)(c)(i)"

17. Page 12, lines 15 and 21.
Strike: "(7)(b)"
Insert: "(5)(b)"

18. Page 12, lines 15 and 21.
Strike: "(7)(c)"
Insert: "(5)(c)"

19. Page 12, lines 15, 17, and 22.
Strike: "(8)"
Insert: "(6)"

20. Page 12, line 25.
Insert: "(7) The liability of a fiduciary under the provisions of this part for a release or a threatened release of a hazardous or deleterious substance from a facility held in a fiduciary capacity may not exceed the assets held in the fiduciary capacity that are available to indemnify the fiduciary unless the fiduciary is liable under this part independent of the person's ownership or actions taken in a fiduciary capacity.

(8) A person who holds indicia of ownership in a facility primarily to protect a security interest is not liable under subsections (1)(a) and (1)(b) for having participated in the management of a facility within the meaning of 75-10-701(10)(b) because of any one or any combination of the following:

(a) holding an interest in real or personal property when the interest is being held as security for payment or performance of an obligation, including but not limited to a mortgage, deed of trust, lien, security interest, assignment, pledge, or other right or encumbrance against real or personal property that is furnished by the owner to ensure repayment of a financial obligation;

(b) requiring or conducting financial or environmental assessments of a facility or a portion of a facility, making financing conditional upon environmental compliance, or providing environmental information or reports;

(c) monitoring the operations conducted at a facility or providing access to a facility to the department or its agents or to remedial action contractors;

(d) having the mere capacity or unexercised right to influence a facility's management of hazardous or deleterious substances;

(e) giving advice, information, guidance, or direction concerning the administrative and financial aspects, as opposed to day-to-day operational aspects, of a borrower's operations;

(f) providing general information concerning federal, state, or local laws governing the transportation, storage, treatment, and disposal of hazardous or deleterious substances and concerning the hiring of remedial action contractors;

(g) engaging in financial workouts, restructuring, or refinancing of a borrower's obligations;

(h) collecting rent, maintaining utility services, securing a facility from unauthorized entry, or undertaking other activities to protect or preserve the value of the security interest in a facility;

(i) extending or denying credit to a person owning or in lawful possession of a facility;

(j) in an emergency, requiring or undertaking activities to prevent exposure of persons to hazardous or deleterious substances or to contain a release;

(k) requiring or conducting remedial action in response to a release or threatened release if that prior notice is given to the department and the department approves of the remedial action; or

(l) taking title to a facility by foreclosure, provided that the holder of indicia of ownership, from the time the holder acquires title, undertakes to sell, re-lease property held pursuant to a lease financing transaction (whether by a new lease financing transaction or substitution of the lessee), or otherwise divest itself of the property in a reasonably expeditious manner, using whatever commercially reasonable means are relevant or appropriate with respect to the facility and taking all facts and circumstances into consideration and provided that the holder does not:

(i) outbid or refuse a bid for fair consideration for the property or outbid or refuse a bid that would effectively compensate the holder for the amount secured by the facility;

(ii) worsen the contamination at the facility;

(iii) incur liability under subsection (1)(c) or (1)(d) by arranging for disposal of or transporting hazardous or deleterious substances; or

(iv) engage in conduct described in subsection (9)(a) or (9)(b).

(9) The protection from liability provided in subsections (7) and (8) is not available to a fiduciary or to a person holding indicia of ownership primarily to protect a security interest if the fiduciary or person through affirmative conduct:

(a) causes or contributes to a release of hazardous or deleterious substances from the facility;

(b) allows others to cause or contribute to a release of hazardous or deleterious substances; or

(c) in the case of a person holding indicia of ownership primarily to protect a security interest, participates in the management of a facility by:

(i) exercising decisionmaking control over environmental compliance; or

(ii) exercising control at a level comparable to that of a manager of the enterprise with responsibility for day-to-day decisionmaking either with respect to environmental compliance or substantially all of the operational, but not financial or administrative, aspects of the facility."

21. Page 13, line 12.
Strike: "75-10-715(7)(c)"
Insert: "75-10-715(5)(c)"

22. Page 13, line 26.
Strike: "75-10-715(5)"
Insert: "75-10-715(3)"

23. Page 14, line 5.
Following: "initial action"
Strike: "for recovery of remedial action costs"

Insert: "brought under 75-10-715(4) or a contribution action for costs incurred under this part"

24. Page 14, line 6.
Following: "the"
Strike: "remedial action"
Insert: "final permanent remedy"

And, as amended, do pass. Report adopted.

HB 26, be concurred in. Report adopted.

TAXATION (Devlin, Chairman): February 3, 1995
SB 255, introduced bill, do pass. Report adopted.

Senator Burnett present at this time.

MESSAGES FROM THE GOVERNOR

February 2, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 32** sponsored by Senator Gage on February 2, 1995.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 252, introduced by Squires
HB 312, introduced by Brainard
HB 316, introduced by Harrington
HB 319, introduced by Tropila
HB 324, introduced by Simpkins
HJR 13, introduced by Hagener

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 300, introduced by Miller, Molnar, Forbes and Estrada, referred to Committee on State Administration.
SB 301, introduced by Cole, Baer, Burnett, Hargrove, Mohl, Rose, Taylor, Stovall, Brown, Foster, Grosfield, Mesaros, Hertel, Emerson, Tveit, Kasten, Miller, Gage, Harding, Jenkins, H. Hanson, Mercer, Harp, Benedict, Devlin, Grinde, Knox, Holden, Hayne, Crismore, Swysgood, Sliter, Toews, and Keating (by the request of the Governor), referred to Committee on State Administration.
SB 302, introduced by Jabs, referred to Committee on Business & Industry.
SB 303, introduced by Pipinich, Larson, Harp, Beck and Wilson, referred to Committee on Fish & Game.
SB 304, introduced by Pipinich, referred to Committee on Fish & Game.
SB 305, introduced by Mesaros, Wiseman, Swysgood, Miller and Foster, referred to Committee on Taxation.
SB 306, introduced by Doherty, Galvin and Tropila, referred to Committee on Taxation.
HB 147, introduced by McGee (by the request of the Department of Commerce), referred to Committee on Business & Industry.
HB 250, introduced by McCulloch, Soft, Halligan, Weldon and L. Nelson, referred to Committee on Judiciary.
HB 284, introduced by Tropila, referred to Committee on State Administration.
HB 300, introduced by Masolo, Harper, Denny, Grady and Somerville, referred to Committee on Education.
HB 333, introduced by Kasten and Lynch (by the request of the Human Services Subcommittee of the House Appropriations Committee), referred to Committee on Public Health, Welfare & Safety.
HB 334, introduced by Kasten and Lynch (by the request of the Human Services Subcommittee of the House Appropriations Committee), referred to Committee on Public Health, Welfare & Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mesaros in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 13 - Senator Halligan moved SB 13 do pass. Motion carried unanimously.

SB 78 - Senator Grosfield moved consideration of SB 78 be placed below SB 128 on the second reading board. Motion carried.

SB 124 - Senator Crismore moved consideration of SB 124 be placed below SB 272 on the second reading board. Motion carried.

SB 128 - Senator Jergeson moved SB 128 do pass. After discussion, Senator Jergeson moved consideration of SB 128 be passed for the day. Motion carried.

SB 78 - Senator Christiaens moved SB 78, second reading copy, be amended as follows:

1. Title, line 9.
Following: "~~QUALITY;~~"
Insert: "REMOVING THE VOLUNTARY PERFORMANCE BOND REQUIREMENTS UNDER THE WATER QUALITY LAWS AND AUTHORIZING THE DEPARTMENT TO REQUIRE PERFORMANCE BONDS FOR DISCHARGE PERMITS ISSUED TO APPLICANTS WHOSE ACTIVITIES WILL REQUIRE RECLAMATION OF DISTURBED LAND THAT MAY AFFECT WATER QUALITY;"

2. Title, line 12.
Following: "~~75-5-103,~~"
Insert: "75-5-103,"

3. Title, line 13.
Following: "~~75-5-405,~~"
Insert: "75-5-405,"

4. Page 4, following line 8.
Insert: " **Section 5.** Section 75-5-103, MCA, is amended to read:

"75-5-103. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of health and environmental sciences provided for in 2-15-2104.

(2) "Contamination" means impairment of the quality of state waters by sewage, industrial wastes, or other wastes, creating a hazard to human health.

(3) "Council" means the water pollution control advisory council provided for in 2-15-2107.

(4) "Degradation" means a change in water quality that lowers the quality of high-quality waters for a parameter. The term does not include those changes in water quality determined to be nonsignificant pursuant to 75-5-301(5)(c).

(5) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21.

(6) "Disposal system" means a system for disposing of sewage, industrial, or other wastes and includes sewage systems and treatment works.

(7) "Disturbed land" means the area of land altered by activities associated with a permit issued pursuant to this chapter that may affect the quality of waters located at or near lands owned or under the control of the permittee.

~~(7)~~(8) "Effluent standard" means a restriction or prohibition on quantities, rates, and concentrations of chemical, physical, biological, and other constituents ~~which~~ that are discharged into state waters.

~~(8)~~(9) "Existing uses" means those uses actually attained in state waters on or after July 1, 1971, whether or not those uses are included in the water quality standards.

~~(9)~~(10) "High-quality waters" means state waters whose quality for a parameter is better than standards established pursuant to 75-5-301. All waters are high-quality water unless classified by the board within a classification for waters that are not suitable for human consumption or not suitable for growth and propagation of fish and associated aquatic life.

~~(10)~~(11) "Industrial waste" means a waste substance from the process of business or industry or from the development of any natural resource, together with any sewage that may be present.

~~(11)~~(12) "Interested person" means a person who has submitted oral or written comments on the department's preliminary decision regarding degradation of state waters, pursuant to 75-5-303. The term includes a person who has requested authorization to degrade high-quality waters.

~~(12)~~(13) "Local department of health" means the staff, including health officers, employed by a county, city, city-county, or district board of health.

~~(13)~~(14) "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the board.

~~(14)~~(15) "Other wastes" means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, night soil, oil, grease, tar, heat, chemicals, dead animals, sediment, wrecked or discarded equipment, radioactive materials, solid waste, and all other substances that may pollute state waters.

~~(15)~~(16) "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source.

~~(16)~~(17) "Parameter" means a physical, biological, or chemical property of state water when a value of that property affects the quality of the state water.

~~(17)~~(18) "Person" means the state, a political subdivision of the state, institution, firm, corporation, partnership, individual, or other entity and includes persons resident in Canada.

~~(18)~~(19) "Point source" means a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft, from which pollutants are or may be discharged.

~~(19)~~(20) "Pollution" means contamination or other alteration of the physical, chemical, or biological properties of state waters ~~which~~ that exceeds that permitted by Montana water quality standards, including but not limited to standards relating to change in temperature, taste, color, turbidity, or odor; or the discharge, seepage, drainage, infiltration, or flow of liquid, gaseous, solid, radioactive, or other substance into state water ~~which~~ that will or is likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife. A discharge, seepage, drainage, infiltration, or flow ~~which~~ that is authorized under the pollution discharge permit rules of the board is not pollution under this chapter. Activities conducted under the conditions imposed by the department in short-term authorizations pursuant to 75-5-308 are not considered pollution under this chapter.

~~(20)~~(21) "Sewage" means water-carried waste products from residences, public buildings, institutions, or other buildings, including discharge from human beings or animals, together with ground water infiltration and surface water present.

~~(21)~~(22) "Sewage system" means a device for collecting or conducting sewage, industrial wastes, or other wastes to an ultimate disposal point.

~~(22)~~(23) "Standard of performance" means a standard adopted by the board for the control of the discharge of pollutants ~~which~~ that reflects the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

~~(23)~~(24) "State waters" means a body of water, irrigation system, or drainage system, either surface or underground; however, this subsection does not apply to irrigation waters ~~where~~ when the waters are used up within the irrigation system and the waters are not returned to any other state waters.

~~(24)~~(25) "Treatment works" means works, including sewage lagoons, installed for treating or holding sewage, industrial wastes, or other wastes.

~~(25)~~(26) "Water quality protection practices" means those activities, prohibitions, maintenance procedures, or other management practices applied to point and nonpoint sources designed to protect, maintain, and improve the quality of state waters. Water quality protection practices include but are not limited to treatment requirements, standards of performance, effluent standards, and operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from material storage.

~~(26)~~(27) "Water well" means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed and intended for the location, diversion, artificial recharge, or acquisition of ground water.""
Renumber: subsequent sections

6. Page 6, following line 25.

Insert: " NEW SECTION. **Section 4. Performance bond -- statement of policy.** (1) The department may not require a bond under 75-5-405 unless it determines that the permitted activity disturbs land in a magnitude or manner that poses a significant threat to the quality of state waters. A bond required under 75-5-405 must be used, if needed, only to reclaim disturbed land that may impact water quality. A bond required under 75-5-405 may not be used to remediate damages to state waters.

(2) The department may not require a bond for a permitted activity if the permitholder or applicant has posted a bond for the permitted activity with another state agency to reclaim disturbed land that may impact water quality.

(3) The bond amount must be limited to the reasonable costs necessary to eliminate anticipated potential impacts to state waters. In determining the bond amount, the department shall consult with the permitholder or applicant and give consideration to alternative means of water quality protection offered by the permitholder or applicant.

Section 5. Section 75-5-405, MCA, is amended to read:

"**75-5-405. ~~Voluntary filing of performance~~ Performance bond -- terms -- hearing.** (1) A person who holds or has applied for a permit pursuant to 75-5-401 may ~~voluntarily~~ be required to file a performance bond or other surety with the department for an amount sufficient to enable the state to reclaim the ~~land~~ disturbed lands resulting from activity authorized by the permit that may impact water quality ~~by the project or activity authorized by the permit in accordance with all permit requirements and as needed to prevent pollution of state waters~~.

(2) ~~If the~~ The department ~~determines that~~ shall determine the appropriate bonding level, ~~does not~~ which must represent the present cost of reclaiming the disturbed land according to the reclamation requirements specified in the permit and the present cost of preventing pollution of state waters~~, the department shall notify the permittee and the permittee may modify the amount of the bond to accurately reflect the present cost~~.

(3) The applicant shall file with the department a bond payable to the state of Montana with surety satisfaction to the department in an amount determined by the department to be reasonably necessary to protect the quality of state waters from impacts resulting from disturbed land associated with the permitted activity. The bond must be conditioned upon compliance with the provisions of this chapter, rules implementing this chapter, and the conditions or limitations of the discharge permit.

(4) The department shall review the amount of each bond at the time of the permit renewal and shall notify the permittee if the review indicates that the bond level should be adjusted. When determined by the department that the bonding level of a permit does not represent the present costs of compliance with this chapter or of the protection of state waters, the department may modify the bonding requirements of that permit.

~~(3)~~(5) The department may not release all or ~~any~~ a portion of a performance bond or other surety filed pursuant to this section until reclamation of the disturbed land has been completed to the satisfaction of the department and the department has determined that pollution of state waters has not occurred. The department may initiate bond forfeiture proceedings if the permittee fails to satisfactorily reclaim the disturbed land or prevent pollution of state waters.

~~(4)~~(6) The department may not release a bond or other surety filed pursuant to this section until the public has been provided an opportunity for a hearing.""

Renumber: subsequent sections

7. Page 12, lines 7, 12, and 13.
Strike: "5"
Insert: "8"

Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Grosfield, Halligan, Harding, Jabs, Jergeson, Klampe, Nelson, Pipinich, Sprague, Stang, Tveit, Van Valkenburg, Waterman, Weldon, Wilson.

Total 23

Nays: Aklestad, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Hargrove, Harp, Hertel, Holden, Jacobson, Jenkins, Keating, Lynch, Mesaros, Miller, Mohl, Swysgood, Toews, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: Baer.
Total 1

Senator Grosfield moved SB 78 do pass. Motion carried as follows:

Yeas: Aklestad, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 48

Nays: Doherty.
Total 1

Absent or not voting: None.
Total 0

Excused: Baer.
Total 1

SB 153 - Senator Brooke moved SB 153 do pass. Motion carried as follows:

Yeas: Bartlett, Benedict, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Eck, Foster, Franklin, Grosfield, Halligan, Harding, Hertel, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 33

Nays: Aklestad, Beck, Burnett, Devlin, Doherty, Emerson, Estrada, Forrester, Gage, Hargrove, Harp, Holden, Jenkins, Mohl, Swysgood, Toews.
Total 16

Absent or not voting: None.
Total 0

Excused: Baer.
Total 1

SB 186 - Senator Beck moved SB 186 do pass. Motion carried unanimously.

SB 204 - Senator Beck moved SB 204, second reading copy, be amended as follows:

1. Page 3, line 8.
Following: "account"
Insert: "and the court shall consider"

2. Page 3, line 12.
Following: "action,"
Insert: "the amounts voluntarily expended by the violator to address or mitigate the violation or impacts of the violation to waters of the state,"

Motion carried with Senator Brooke voting nay.

Senator Grosfield moved SB 204, as amended, do pass. Motion carried unanimously.

SB 272 - Senator Grosfield moved SB 272 do pass. Motion carried unanimously.

SB 124 - Senator Crismore moved SB 124 do pass. Motion carried as follows:

Yeas: Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Foster, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Mr. President.
Total 38

Nays: Bartlett, Brooke, Christiaens, Doherty, Eck, Franklin, Waterman, Weldon, Wilson.
Total 9

Absent or not voting: Aklestad, Van Valkenburg.
Total 2

Excused: Baer.
Total 1

HB 16 - Senator Christiaens moved HB 16 be concurred in. Motion carried unanimously.

HB 37 - Senator Halligan moved HB 37 be concurred in. Motion carried unanimously.

HB 106 - Senator Lynch moved HB 106 be concurred in. Motion carried with Senator Toews voting nay.

HB 108 - Senator Halligan moved HB 108 be concurred in. Motion carried unanimously.

HB 178 - Senator Brooke moved HB 178 be concurred in. Motion carried unanimously.

Senator Baer present at this time.

HB 210 - Senator Beck moved HB 210 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Mesaros moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 71 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 80 passed as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jenkins, Keating, Mesaros, Mohl, Nelson, Sprague, Swysgood, Toews.
Total 28

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Halligan, Harp, Jergeson, Klampe, Lynch, Miller, Pipinich, Stang, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 83 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore,

Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Waterman, Weldon, Wilson, Mr. President.
Total 48

Nays: Jenkins, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 103 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 114 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 122 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 126 passed as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Brooke, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 44

Nays: Aklestad, Bishop, Burnett, Gage, Jenkins, Swysgood.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 151 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 156 passed as follows:

Yeas: Aklestad, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Sprague, Toews, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 40

Nays: Baer, Beck, Devlin, Harp, Jenkins, Lynch, Pipinich, Stang, Swysgood, Tveit.
Total 10

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 73 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: Klampe.
Total 1

Excused: None.
Total 0

HB 98 concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Wilson, Mr. President.
Total 45

Nays: Bartlett, Christiaens, Eck, Klampe, Waterman.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SB 132 - Senator Crippen moved SB 132 be taken from the Committee on Judiciary and rereferred to the Committee on Rules. Motion carried unanimously.

SB 128 - Senator Jergeson moved consideration of SB 128 on second reading be passed until Thursday, February 9, the thirty-fourth legislative day. Motion carried.

SB 267 - Senator Forrester moved SB 267 be taken from the Committee on Natural Resources and rereferred to the Committee on Fish & Game. Motion carried unanimously.

SB 78 - Senator Mesaros moved he be allowed to change his vote on SB 78, second reading, from nay to aye. Motion carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, February 4, 1995. Motion carried.

Senate adjourned at 5:23 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By **CHAIRMAN JOHN HERTEL**, on February 10, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Terry Klampe (D)
Sen. Bill Wilson (D)

Members Excused: N/A

Members Absent: N/A

Staff Present: Bart Campbell, Legislative Council
Carla Turk, Recording Secretary, in absence of Lynette Lavin, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	SB 260, SB 298, SB 261
Executive Action:	SB 260 DO PASS AS AMENDED
	SB 302 DO PASS

HEARING ON SB 260

Opening Statement by Sponsor:

SEN. BOB PIPINICH, SD 29, Missoula, distributed copies of amendments to **SB 260, EXHIBIT #1.** He said **SB 260** was designed to help problem gamblers, and explained the amendments diluted the bill. He said he had worked with many groups, including the gambling commission, lottery, boards and industry. **SEN. PIPINICH** informed the committee when he first drafted **SB 260**, he had 5% which hit education and local government too hard; also, the bill cut the $2 million per year trust fund to $400,000 and the $50

million cap was cut to $20 million. He said Montana currently had five gambling addiction counselors, which were not enough to supply the need; in fact, some referrals went out-of-state to receive needed counseling. **SEN. PIPINICH** reported the assessment of treatment resources had been moved to Human Services from the Judiciary Department. He gave assurance **SB 260** would not be too financially painful for anyone; rather, $400,000 per year would be a funding start available to those who needed help for their gambling addiction.

Proponents' Testimony:

Norma Jean Boles, Department of Corrections and Human Services, read her written testimony. **EXHIBIT #2.**

Dennis Casey, Executive Director, Gaming Industry Association of Montana, expressed support for **SB 260**, explaining the whole gaming advisory council would, within the next few weeks, begin a thorough examination of problem gambling. He said the examination would include defining the problem, best ways to obtain treatment, and funding. **Mr. Casey** stated **SB 260** would supply a modest amount of money to start the program. He urged DO PASS for **SB 260.**

Janet Jessup, Department of Justice, said her department supported the concept of the treatment program for those who were most harmed by the availability of legalized gambling. She reminded the committee the above provision was in the gambling statutes. **Ms. Jessup** expressed hope the legislature would consider **SB 260** favorably. She said they supported the amendment which moved the assessment from the Department of Justice to the Human Services Department, explaining her department did not have the expertise. **Ms. Jessup** urged support for **SB 260.**

Ellen Engstedt, Don't Gamble With The Future, read her written testimony, **EXHIBIT #3.**

Charmaine Murphy, Director, Montana Lottery, said they supported **SB 260.** She said she had not had time to review the amendments; however, she recommended the committee look at the funding.

Opponents' Testimony:

Larry Akey, Montana Coin Machine Operators, said his organization did not oppose treatment for pathological gambling, explaining they recognized the type of entertainment his organization offered could produce a compulsive disorder for some people. He expressed opposition for **SB 260**, saying he hoped the legislature would enact a solid treatment program for probable and pathological gamblers.

Mr. Akey said **SB 260** had a number of problems in glossing over treatment for pathological gamblers, explaining if the sponsor and proponents wanted to attack those problems head-on, an

acceptable piece of legislation could be drafted. He maintained **SB 260** would put the revenue into a slush fund without guidelines for administration. **Mr. Akey** suggested treatment of pathological gambling was different from treatment of chemical dependency, i.e. counselors would need certification in gambling counseling. He said to take a serious look at how money was spent; the 1993 legislature focused on intensive outpatient treatment, and nothing in **SB 260** directed funds to be spent in that way.

Mr. Akey suggested pathological gambling was something the 1995 legislature needed to come to grips with; there was not a consensus to develop a solid treatment program. He described two alternatives for **SB 260:** (1) DO NOT PASS and allow the study group to come to the 1997 legislative session with a solid proposal; (2) Put **SB 260** into a subcommittee in order to create a pathological treatment program which made sense for people who suffered from the disease and for the people of Montana.

Questions From Committee Members and Responses:

SEN. MIKE SPRAGUE asked if the Gaming Industry of America was represented on the Gaming Advisory Council. **Dennis Casey** said it was.

SEN. SPRAGUE asked if starting a process was a path of solution. **Mr. Casey** said the parameters of treatment had to be developed; however, **SB 260** said the recommendations of how to spend the funds would come back to the legislature. He remarked the study would dovetail with **SB 260**.

SEN. CASEY EMERSON asked what kind of treatment was available for pathological gamblers. **Norma Jean Boles** said mental health centers and chemical dependency treatment centers offered intensive out-patient treatment.

SEN. EMERSON said both Alcoholics Anonymous and a gambling group met in his business building and he wondered if they came under the auspices of the welfare program. **Ms. Boles** said AA was a voluntary organization and Gamblers Anonymous was growing. **SEN. PIPINICH** said the above-mentioned organizations were voluntary support groups who helped each other.

SEN. EMERSON commented AA was recognized as one of the better groups and wondered if Gamblers Anonymous would ultimately have that recognition, i.e. would addressing gambling problems through **SB 260** do more harm than good. **SEN. PIPINICH** said he didn't think so, because an individual had to wean himself before he would be ready to help others.

SEN. GARY FORRESTER asked where the money was coming from and wondered who the loser would be. **SEN. PIPINICH** said it would come from the lump sum of the 15% coming in, its amount would be 1%, and everybody would share in the $400,000 financial hit.

SEN. FORRESTER said he tried to introduce a bill in the 1991 session to treat compulsive gamblers and was told there was no such thing as a compulsive gambler; furthermore, even if there was, nobody wanted to pay for the treatment of such. He wondered why the change of opinion. **SEN. PIPINICH** said the issue had been studied enough and it was now time to do something. He said his answer to opposition was if the problems weren't solved through financial aid to the fund, they would be in the cities and counties and the solutions would become much more expensive.

SEN. FORRESTER reiterated 1991 showed no problem, 1993 showed a pathological gambling problem; now a request was made for a two-year study. He wondered why that would be necessary. **Larry Akey** said probably no new information would be found; however, studies had shown .6% of the adult population were pathological gamblers. He stated an undefined term was "problem gambling". He reminded the committee the study said the counselor was required to be certified and money was needed for intensive outpatient treatment; **SB 260** didn't provide for either stipulation. He supported his remarks by stating he advocated this legislation in the past but he wanted to make sure the recommendations of the study were being accomplished, i.e. treat the pathological gambler with certified counselors in an intensive out-patient setting. **Mr. Akey** stressed **SB 260** did not do that.

SEN. FORRESTER asked **Mr. Akey** if he would assist the committee and would his industry support it. **Mr. Akey** said his organization assisted in the financial support of the study, had pledged work assistance to the committee to develop a plan for presentation to the 1997 legislature, and personally pledged his organization would bring a well-developed program to the 1997 legislature.

SEN. BILL WILSON inquired where, exactly, the money was going. **SEN. PIPINICH** said Montana now had five certified counselors, associated with private chemical dependency centers, who would organize a program which would use the money from the trust fund to help pathological gamblers go for help from one of the five counselors. He said the money from the trust fund would be issued by Human Services.

SEN. WILSON asked if the money from the trust fund would supplement the income of the present counselors or hire more counselors. **SEN. PIPINICH** said the money would be used to direct pathological gamblers, who recognized their need for help, toward one of the certified counselors.

SEN. WILSON said the dependency centers were private for-profit institutions and he wondered if the money would go to the institutions. **SEN. PIPINICH** said it would not, unless the gambler was admitted to those centers.

SEN. WILSON asked **Mr. Akey** who he represented. **Mr. Akey** replied the Montana Coin Machine Operators, i.e. businesses which owned

about half the video gaming machines in Montana and placed them in bars and taverns.

SEN. FORRESTER asked if a managed care system would be used, or would the fee be set low enough in order to treat the maximum number of people. **Ms. Boles** said it would be a managed care approach, and her interpretation of **SB 260** was the department would inspect who was willing to do it for less money and report to the legislature on the mechanism for awarding grants. **Ms. Boles** related there was a national connection which certified counselors after 60 hours of training. She informed the committee **SB 260** showed a relationship between their priorities and legislative sanction.

SEN. FORRESTER asked how many compulsive gamblers could be treated the first year, and how long it would take to build the fund to the maximum. **Ms. Boles** said there probably would not be any distribution the first year. **SEN. PIPINICH** said because the fund was a trust, the $400,000 would first be built up and then the interest would be spent. He agreed with **Ms. Boles** there probably wouldn't be anything paid from the fund the first year.

SEN. SPRAGUE asked if all addiction was similar. **Larry Akey** said evidence showed gambling addiction to be worse than other kinds, and needed to be treated differently from other addictions. He said all compulsive behavior disorders were lumped together as a type of mental illness, which was a common thread in addictions.

SEN. SPRAGUE asked if getting started wouldn't ensure having a plan for the 1997 legislature. **Mr. Akey** said it would, to the extent the legislature wanted to create a slush fund from which no expenditures could be made until the program was well-designed. He said he would rather see a program designed and the $400,000 spent directly on treatment on an annual basis, instead of putting it into a trust account from which only the interest could be spent.

Closing by Sponsor:

SEN. PIPINICH reminded the committee if there wasn't a start, the program would never go anywhere. He admitted he didn't have all the answers, but **SB 260** was a start which could be developed along the way. He urged DO PASS for **SB 260.**

HEARING ON SB 298

Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, SD 32, Missoula, said **SB 298** would authorize charging a service charge on a bad check, which was something merchants were not authorized to currently charge. He reported **SB 298** set the bad check fee at $15, which was close to

the average charge across the state. He maintained page 2, subsection 7, lines 17-19, allowed merchants to raise the $1 per calendar year, beginning a year after the effective date of the bill, up to $25. **SEN. VAN VALKENBURG** explained **SB 298** provided for notice to be sent by regular mail to the party who wrote the bad check.

SEN. VAN VALKENBURG said there may not be consensus among the committee regarding the fee; however, he stressed the fact he and others who sponsored the bill would be willing to work with the members on that issue. He asserted the need was for a legal basis to be in place to collect the fee.

Proponents' Testimony:

Jeff Koch, Collection Bureau Services, Missoula, said about half the states had specific language addressing the situation, and the fees ranged from $10-$25. He expressed merchants needed protection because their own banks charged them a fee for depositing a NSF check. **Mr. Koch** stated merchants needed to recoup the costs and consumers needed some protection; currently, with no law, check collection agencies were able to charge an arbitrary fee and in some cases, put the checkwriter's name on the black list. He maintained if the checkwriter's refused to pay the service fee, they could find themselves unable to write checks at any Montana location.

{Tape: 1; Side: B}

Mr. Koch urged support for **SB 298.**

Dan McLean, Credit Bureau of Missoula, Inc., said he rose in support of **SB 298,** but said he would like to see the fee limit change from $15 to a reasonable fee. **Mr. McLean** stated he would be happy to work with **SEN. VAN VALKENBURG** in drafting an amendment. He reported setting the fee at a certain price would require legislative action to change. He admitted the definition of "reasonable fee" would have to be established, and the merchants and collection agencies could work together on that. He declared he was of the opinion $20 was not an unreasonable fee; in any case, he supported **SB 298.**

Sarah McQueen, Check-Rite, Bozeman, distributed copies of her testimony, **EXHIBIT #4,** her proposed amendments, **EXHIBIT #5,** and read her written testimony. She referred the committee to Page 3, Number 2, of her written testimony and said she supported much of **SB 298,** except the 10 days to send a demand letter and not give the individual 30 days to dispute the debt seemed to be in violation of the Fair Debt Collection Practices Act. **Ms. McQueen** said Check-Rite protected the merchants, and their fee was $22. She said other collection agencies in Montana pursued civil action the 10th day, which was what her agency saw problems with, because protecting the merchants was very important. **Ms. McQueen** explained if a customer wrote a bad check and immediately got a

notice, they would be able to pay the check at Check-Rite; in contrast, they could write a bad check inadvertently, leave town and then have a civil suit filed against them the 10th day. She asked the committee to consider her amendments.

Jean Hanich, Check-Rite, Helena & Billings, stated she agreed with **Sarah McQueen's** testimony, explaining she had been in her office 18 years and had seen the service fee go from $5 to $20. She said it was her opinion the marketplace would dictate what a reasonable fee was, and a $15 fee was going backwards; the ultimate result would be a flooding of courts with unnecessary litigation. She reminded the committee her agency worked for the merchant, but was not against the general public. **Ms. Hanich** expressed support for **SB 298** with the amendments **Ms. McQueen** referred to in her testimony.

Opponents' Testimony:

Charles Brooks, Montana Food Distributors Association, said when he sold his retail business, they wrote off over $15,000 in bad checks. He declared he believed in free enterprise for both products and services; however, **SB 298** allowed the legislature to fix prices. He suggested using "reasonable" instead of stating a specific fee; he thought the legislature should not be setting prices and fees. **Mr. Brooks** opined consumers already had enough protection and the competition among agencies handling check collection would set a fair and reasonable price. **Mr. Brooks** urged DO NOT PASS for **SB 298**, but would agree to an amendment which would say "reasonable fee."

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked if people involved in credit reporting and check collection had an association. **Sarah McQueen** said they did -- National Collectors Association and Montana Collectors Association.

SEN. BENEDICT asked if they discussed the above issue to bring to the consensus. **Ms. McQueen** replied they had been working with other collection agencies and were looking forward to strengthening that relationship.

SEN. BENEDICT questioned why the 1993 testimony did not include the comments heard today. He wondered why the issue had not been discussed among collection agencies between 1993 and now, so as to have a consensus. **Ms. Hanich** explained the American Collectors Association (ACA) was a group directed more toward collection agencies than check collection offices. She informed the committee her agency was a member primarily because of the Errors and Omissions Insurance, which was through American Collectors Association.

SEN. BENEDICT maintained he was referring specifically to the Montana agencies. **Jean Hanich** contended the Montana organization

was directed toward collection agencies, rather than stand-alone check collection places; in Montana, the organization had never been particularly strong.

SEN. BENEDICT repeated his question by commenting there wasn't this opposition to the bill in 1993; why hadn't the collection agencies and check collection businesses gotten together to determine the needs. **Jeff Koch** related they had and the consensus was to support **SB 298** if it allowed a service fee of a reasonable nature, and $15 was what was discussed. **Mr. Koch** told the committee they had talked to **SEN. VAN VALKENBURG** who said it would be better to support an amended **SB 298** than draw up a second bill; for that reason only, he represented the association to support **SB 298.**

SEN. EMERSON wondered if **SB 298** was necessary, since the Fair Debt Collection Practices was in place. **Ms. McQueen** contended **SB 298** was necessary in order to get the language of the service charge in statute so check collection agencies were not in the gray area.

SEN. BENEDICT asked if the vagueness of "reasonable service charge" would be more of an attorney's bonanza, than a specifically stated service charge. **Daniel McLean** answered that he didn't see it as beneficial to attorneys because of the time involved in the processing and going to court; the less attorneys were involved in the collection process, the better off all involved would be.

SEN. BENEDICT said he thought "reasonable cost" would open opportunity for private action, because of the vagueness. **Mr. McLean** stated it was possible; however, he believed it was overridden by price-fixing. He stated other kinds of statutes said "reasonable attorney's fees", which seemed to be working well.

SEN. JOHN HERTEL asked if collection agencies had the flexibility to charge whatever fee they wanted. **Mr. McLean** said he thought so, but **SB 298** gave authority to charge a fee. He informed the committee a bad check was a different matter from a debt, explaining he wasn't sure the Collections Act applied to bad checks.

Closing by Sponsor:

SEN. VAN VALKENBURG stated he agreed with **Mr. McLean** when he said bad checks and debt were not equivalent terms, and he doubted the Fair Debt Collection Act equated debt with bad checks.

SEN. VAN VALKENBURG said he wanted **SB 298** to pass, and if it could be accomplished through raising the fee to $22, he was in favor of the fee change. He related it was his opinion the bill would be harder to pass if the language was "reasonable fee";

although, he could understand the intent. He announced $15 was in the bill as an answer to "the economy won't bear anymore".

SEN. VAN VALKENBURG said there currently was no legal authority to collect any fee, though agencies were doing so because the consumers generally felt the $10 or $15 wasn't worth fighting over; however, there was opportunity for lawsuits. He reminded the committee the authority should be in statute because merchants paid banks for the cost of bad checks and had no way of recovering the expense.

HEARING ON COMMITTEE BILL PROPOSAL

Opening Statement by Sponsor:

SEN. DELWYN GAGE, SD 43, Cut Bank, said Montana statute currently covered an organization, Pacific Northwest Economic Region, whose members were Montana, Idaho, Washington, Oregon, Alaska, British Columbia and Alberta. He said it was started in 1989, was composed of legislators and Canadian legislative counterparts (4 from each state or province) and its' purpose was to promote the region world-wide. **SEN. GAGE** informed the committee the membership had been expanded to include each governor or premier; the purpose of this bill was to give permission for the Governor to serve on the Pacific Northwest Economic Region Committee.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. FORRESTER asked who would pay the Governor's expenses. **SEN. GAGE** said it would come from his budget or he would have to find other funding for it.

SEN. FORRESTER asked if, after this legislative session, the funding would be in place for the Pacific Northwest Economic Region Conference. **SEN. GAGE** said he was not sure, but he would like to have the mechanism available, in the event the Governor would like to take part.

EXECUTIVE ACTION ON COMMITTEE BILL PROPOSAL

Motion/Vote: **SEN. STEVE BENEDICT MOVED TO ALLOW A COMMITTEE BILL.** The motion **CARRIED UNANIMOUSLY** by voice vote.

{Tape: 2; Side: A}

HEARING ON SB 302

Opening Statement by Sponsor:

SEN. REINY JABS, SD 3, Hardin, said **SB 302** amended the Territorial Integrity Act of 1972, explaining integrity was a concern among Montana electric co-ops and other electric suppliers, because duplication and distribution of facilities had an impact on electrical rates. He said **SB 302** was an attempt to avoid this waste and to allow for resolution in disputed areas. **SEN. JABS** stated negotiated agreements were viable ways to resolve differences; **SB 302** would allow for agreements between suppliers and service areas. He distributed copies of Montana statute, **EXHIBIT #6,** and explained how **SB 302** would fit in.

Proponents' Testimony:

Jay Downen, Montana Electric Co-op Association, expressed appreciation for **SEN. JABS'** efforts and said attempts were made to settle territorial disputes between utilities and cooperatives involved. **Mr. Downen** told the committee the Montana Electric Co-op Association supported **SB 302.**

Terry Holzer, Yellowstone Valley Co-op, expressed support for **SB 302.** He said a minor change would have a far-reaching impact, i.e. enabling utilities such as Montana Power Company (MPC) to become like electric co-ops to develop service agreements within confines of city boundaries, thereby preventing service duplication. **Mr. Holzer** explained present law mandated facilities of electric co-operatives not be used to provide service to customers; therefore, utilities would have to buy service within annexed areas, which caused duplication of services. He commented passing **SB 302** would allow utility companies to avoid costly duplication, and urged DO PASS for **SB 302.**

Tim Gregori, Big Horn Electric Co-op, announced they supported **SB 302,** which would amend the Territorial Integrity Act of 1972. He stated the amendment would serve two purposes: (1) allow modification to existing legislation which would grant amicable settlement of which electric utility would be best situated, facility-wise, to serve a portion of a community; (2) allow for drafting of an agreement to better enable electric utilities and cooperatives to focus on providing quality, affordable electric service to the consumers. **Mr. Gregori** urged DO PASS for **SB 302.**

John Murphy, Montana Power Company (MPC), said he worked with rural electric co-ops and agreed with **SEN. JABS'** testimony of working toward sensibly resolving differences between utilities and co-operatives. He said MPC supported **SB 302.**

John Alke, Montana Dakota Utilities (MDU), expressed support for **SB 302.**

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

SEN. JABS said **SB 302** would allow utilities to supply electric service without the unnecessary expense of duplicating services. He reminded the committee **SB 302** would allow electric co-ops to serve annexed areas upon agreement. **SEN. JABS** thanked the committee for a good hearing.

EXECUTIVE ACTION ON SENATE BILL 302

Motion/Vote: **SEN. GARY FORRESTER MOVED SB 302 DO PASS.** Motion **CARRIED UNANIMOUSLY** by voice vote.

EXECUTIVE ACTION ON SENATE BILL 246

Motion: **SEN. MIKE SPRAGUE MOVED TO ADOPT AMENDMENTS SB024601.ACE, EXHIBIT #7.**

Discussion: **Greg Petesch** explained the amendments. **SEN. SPRAGUE** asked what would happen, if in the 30-day period, no one would be heard from. **Mr. Petesch** said if nobody was heard from, the property would be dealt with by the pawnbroker through the usual course of trade.

Vote: Motion **TO ADOPT AMENDMENTS SB024601.ACE CARRIED UNANIMOUSLY** by voice vote.

Motion: **SEN. BILL WILSON MOVED SB 246 AS AMENDED DO PASS.**

Discussion: **SEN. SPRAGUE** requested and was granted permission to abstain from voting.

SEN. FORRESTER said **SB 246** was a bill he could not support and reminded the committee the law enforcement people told the committee to leave it alone.

Substitute Motion/Vote: **SEN. GARY FORRESTER MOVED A SUBSTITUTE MOTION TO TABLE SB 246.** The substitute motion **FAILED 5-4** on roll call vote **(#1).**

No further executive action was taken at this time on **SB 246.**

EXECUTIVE ACTION ON SENATE BILL 260

Motion: **SEN. GARY FORRESTER MOVED TO ADOPT AMENDMENTS SB026001.agp.**

Discussion: **SEN. WILLIAM CRISMORE** asked for clarification. It was his understanding the issue was the starting of a fund. **Greg Petesch** said **SB 260 as amended** put one percent of the state's portion of revenue into a fund; the provision was the fund would grow until it reached $50 million. At that point, future deposits and interest would be attributable to the Department of Corrections who would make grants to programs which provided treatment for gambling addiction. **Mr. Petesch** said a very small amount would be available the second year of the biennium, and none the first year.

SEN. CRISMORE asked if the amendments dropped the fund to $20 million and was told it did.

Vote: Motion **TO ADOPT AMENDMENTS SB026001.agp PASSED** by **UNANIMOUS** voice vote.

Motion: **SEN. GARY FORRESTER MOVED SB 260 AS AMENDED DO PASS.**

Discussion: **SEN. KEN MILLER** expressed reluctance for passing the bill, wondering if it would accomplish its intent.

SEN. SPRAGUE said, in his opinion, action had to be started somewhere, and expressed support for **SB 260**.

SEN. EMERSON claimed his problem with **SB 260** was the fear it could become like the welfare system -- a bigger and bigger program which ultimately did more and more damage because the emphasis was not placed on helping oneself.

SEN. CRISMORE expressed agreement with **SEN. EMERSON**.

SEN. MILLER stated he supported free enterprise, which was what Alcoholics Anonymous was. He said a program such as **SB 260** covered would be a perfect funding for endowments.

SEN. EMERSON referred to his teaching experiences where parents would help their children too much; thereby, compounding the problem.

SEN. WILSON asserted AA was not free enterprise, and treatment centers for dependent disorders acted as facilitators and referral systems to AA, Gamblers Anonymous, etc. He stated the help received from these groups was group help, not self or professional help; the problems were not caused by weak will, moral issues, but by a chemical issue.

SEN. SPRAGUE stated the industry who brought the bill were in agreement that there was a problem; the legislature's role was not micromanagement.

SEN. WILSON contended he had a problem with people getting labeled at an early age, and with treatment becoming a for-profit industry; however, there were people who need the professional help.

SEN. MILLER commented the industry came to the legislature, hoping the taxpayers would help the situation.

Vote: The motion **DO PASS SB 260 AS AMENDED PASSED 5-3** on roll call vote **(#2)**.

ADJOURNMENT

Adjournment: The meeting adjourned at 10:25 a.m.

SEN. JOHN HERTEL, Chairman

CARLA TURK, Secretary

LYNETTE LAVIN, Secretary

The minutes were recorded by Carla Turk and edited and proofread for content by Lynette Lavin.

JH/ll

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL DATE 2/10/95

NAME	PRESENT	ABSENT	EXCUSED
STEVE BENEDICT, VICE CHAIRMAN	X		
WILLIAM CRISMORE	X		
CASEY EMERSON	X		
GARY FORRESTER	X		
TERRY KLAMPE	X		
KEN MILLER	X		
MIKE SPRAGUE	X		
BILL WILSON	X		
JOHN HERTEL, CHAIRMAN	X		

SEN:1995
wp.rollcall.man
CS-09

SENATE STANDING COMMITTEE REPORT

February 10, 1995

MR. PRESIDENT:
We, your committee on Business and Industry having had under consideration SB 260 (first reading copy -- white), respectfully report that SB 260 be amended as follows and as so amended do pass.

Signed: _____
Senator John R. Hertel, Chair

That such amendments read:

1. Page 1, lines 22 and 23.
Strike: "$50"
Insert: "$20"

2. Page 2, line 1.
Strike: "justice"
Insert: "corrections and human services"

3. Page 3, lines 6 and 15.
Page 4, lines 3 and 27.
Page 5, line 18.
Page 6, line 22.
Strike: "5%"
Insert: "1%"

4. Page 6, line 25.
Strike: "instruction"
Insert: "instructions"
Following: "."
Insert: "(1)"
Strike: "through 3"
Insert: "and 2"

5. Page 6, line 26.
Strike: "through 3"
Insert: "and 2"

6. Page 6, line 27.
Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 3]."

-END-

Amd. Coord.
Sec. of Senate

351230SC.SPV

SENATE STANDING COMMITTEE REPORT

February 10, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 302 (first reading copy -- white), respectfully report that SB 302 do pass.

Signed: John Hertel
Senator John R. Hertel, Chair

Amd. Coord.
Sec. of Senate

351227SC.SPV

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE
ROLL CALL VOTE

DATE 2/10 BILL NO. SB 246 NUMBER 1

MOTION: Senator Forrester moved to Table SB 246

NAME	AYE	NO
STEVE BENEDICT, VICE CHAIRMAN		X
WILLIAM CRISMORE	X	
CASEY EMERSON	X	
GARY FORRESTER	X	
TERRY KLAMPE	X	
KEN MILLER		X
MIKE SPRAGUE		X
BILL WILSON		X
JOHN HERTEL, CHAIRMAN		X

SEN:1995
wp:rlclvote.man
CS-11

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE
ROLL CALL VOTE

DATE 2-10-95 BILL NO. SB 260 NUMBER 2

MOTION: Senator Forrester Moved SB 260 Do Pass As Amend

NAME	AYE	NO
STEVE BENEDICT, VICE CHAIRMAN		
WILLIAM CRISMORE		X
CASEY EMERSON		X
GARY FORRESTER	X	
TERRY KLAMPE	X	
KEN MILLER		X
MIKE SPRAGUE	X	
BILL WILSON	X	
JOHN HERTEL, CHAIRMAN	X	

SEN:1995
wp:rlclvote.man
CS-11

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 2/10/95
BILL NO. SB 260

Amendments to Senate Bill 260
First Reading Copy

(Presented by Sen. Pipinich)

Prepared by
Beth Baker, Department of Justice

1. Page 1, line 22.
Strike: "$50"
Insert: "$20"

2. Page 1, line 23.
Strike: "$50"
Insert: "$20"

3. Page 2, line 1.
Strike: "justice"
Insert: "corrections and human services"

4. Page 3, line 6.
Strike: "5%"
Insert: "1%"

5. Page 3, line 15.
Strike: "5%"
Insert: "1%"

6. Page 4, line 3.
Strike: "5%"
Insert: "1%"

7. Page 4, line 27.
Strike: "5%"
Insert: "1%"

8. Page 5, line 18.
Strike: "5%"
Insert: "1%"

9. Page 6, line 22.
Strike: "5%"
Insert: "1%"

10. Page 6, lines 25 and 26.
Strike: "through 3"
Insert: "and 2"

11. Page 6, line 26.
Following: "."
Insert: [Section 3] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 3.]"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 2/10/95
BILL NO. SB 260

TESTIMONY FOR SB 260

The Alcohol and Drug Abuse Division applauds the efforts of SB 260 to mitigate the social consequences of gambling in Montana.

The 52nd legislature in 1991, mandated the Department of Corrections and Human Services to study the following:

. Minimum requirements for certification of persons providing counseling for gambling addictions;
. Availability of effective treatment resources in Montana for persons suffering from gambling addictions.

The Department of Corrections and Human Services, Alcohol and Drug Abuse Division contracted for two studies

1) An incidence and prevalence study
2) Treatment of Pathological gamblers in Montana.

The results of the incidence and prevalence indicated a lifetime prevalence rate of 3.6% for problem and pathological gamblers in Montana. This means at a minimum, over 5,500 adults in Montana are currently experiencing moderate to severe problems related to their involvement in gambling.

60% of the treatment professionals surveyed in Montana indicated that they had treated problem gamblers at some time in their career. Additionally, those who had treated problem gamblers were more likely to have over 10 years of professional experience and to specialize in chemical dependency treatment.

Given the research the Department of Corrections and Human Services has conducted, the Department agrees with the amendment which designates the Department of Corrections and Human Services the responsibility of assessing the treatment resources and awarding grants.

Respectfully submitted,

Norma Jean Boles

Norma Jean Boles, Manager
Standards and Quality Assurance
Alcohol and Drug Abuse Division

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 3
DATE 2/10/95
BILL NO. SB 260

TESTIMONY - SB 260 - FEBRUARY 10, 1995

Mr. Chairman and Members of the Committee:

For the record, my name is Ellen Engstedt and I represent Don't Gamble With The Future, a statewide organization opposed to the expansion of gambling and in favor of stronger regulation of the gambling currently legal in Montana. Our membership is comprised mostly of small business folks and their families.

Don't Gamble With The Future applauds Senator Pipinich for SB 260, the Gaming Indemnity Trust Act.

FINALLY, in new Section 1, there is an admission that there are detrimental effects that result from gambling and that there are social costs to the citizens of Montana caused by gambling. There are those of us who oppose gambling who have known what gambling can do to individuals and families, but could not prove what this activity does. Unfortunately, it takes several years for studies to be developed that can prove the social consequences of any activity. Those studies are now being done and the results are alarming. Gambling is rapidly becoming the third addiction in equal standing with alcohol and drugs. The time has come for Montana to face that consequence and deal with it straight on -- which is the Montana way of dealing with problems.

SB 260 establishes a trust fund into which monies would flow coming from those gambling activities already in place and from those entities reaping the benefits of the large amount of tax revenue received from the tax source. This is not a new source

of money -- it is a reallocation of the funds already paid and received. Each gambling activity contributes to the trust fund because each gambling activity contributes to the problem of compulsive gambling.

The entities who would oppose SB 260 -- local governments, general fund recipients (general state government and public school equalization) should be the VERY people supporting a program as proposed by SB 260.

Local governments, if honest in the assessment of the REAL social impacts in police, welfare, domestic abuse instances in their communities, would come in with guns blazing in support of this bill because they would admit to the problems caused by gambling and the COST of those problems in local communities. Local governments need to admit to the costs they are enduring because of gambling and not just take the money and run. If the cities and towns in this state looked at the social impacts and were honest about those costs, the amount they would give up under SB 260 would be minuscule.

Schools across Montana are affected by gambling. I would bet any teacher in any school in Montana could tell a story about how gambling has affected a student or a family that the teacher has dealt with. And, the schools should use the same approach as the cities and towns...what is the impact on the students in the State of Montana. If there is none, take the money and feel good about it...if there is an impact and there is, address it and put the money in a place where it will help.

EXHIBIT 3
DATE 2-10-95
SB 260

No one should accept money from any activity and not look at how that money was acquired and who was hurt in the process of getting the revenue. The very least the local governments and the schools can do is acknowledge that they are taking money and looking the other way when the problems arise.

I, as an opponent of gambling in general, have been told countless times by those in the gambling industry to do something worthwhile -- what that has meant was to stop being a DOGOODER by trying to stop gambling -- and do something that would help the compulsive gamblers. SB 260 does just that..it is the first step to establishing a program that would help those addicted. If gambling advocates are being honest in saying they support programs to help the problem gamblers, they should be here in support of SB 260.

This bill is a big step in the right direction to start gathering the funds necessary to develop a program for compulsive gamblers and by new Section 1 ADMITTING there are problem gamblers in Montana. What a giant step forward and Montanans should be proud that this step is being taken.

There are many studies that have been done to indicate the problems of compulsive gambling both in Montana and nationwide and I would be happy to provide the Committee with as much information as the members can stand to absorb.

Thank you for your attention and I encourage your support of SB 260.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 4
DATE 2/10/95
BILL NO. SB 298

February 10, 1995

Business and Industry Committee Members
Senate Hearing on SB 298
Montana Senate
Helena, Montana

Dear Senator:

Enclosed please find a copy of the proposed amendments to Senate Bill 298. This bill has been introduced to the Montana legislature to amend and clarify the state's bad check statute, MCA 27-1-717. The proposed amendment is positive in that it specifically addresses the need for a service charge to assist in the collection of bad checks.

First of all, a service charge should be determined by the market place. Competition currently, and in the future, can set a "reasonable" service charge. A capped service charge will effectively increase the losses incurred by merchants that use private sector collection agencies. Furthermore, the legislature would have to review the capped service charge from time to time, and the effect would be an increase in the number of bills introduced.

Most importantly, this bill appears to be in direct conflict with the Fair Debt Collection Practices Act. The FDCPA, which is regulated by the Federal Trade Commission, is a federal act that stringently governs the actions of the collection industry. "Debt collectors", as defined by the FDCPA, would be forced to demand payment in 10 days. The FDCPA gives consumers 30 days to dispute

the validity of any debt. Consequently, if passed in its present form, SB 298 would violate the consumer's rights during the 30 day validation period.

Graziano v. Harrison, 950 F. 2d 107 (3rd Cir., Nov. 1991). Using the "least sophisticated consumer" standard, the court reasoned that a notice containing a threat that suit would be filed if the debt was not paid within 10 days, as well as, stating that the consumer had 30 days to dispute the debt violated Section 1692G. The court further stated, "The notice must not be overshadowed or contradicted by accompanying messages from the debt collector." In the past, collectors would send letters to consumers demanding payment in full within 10 days. Consumer Counsel has advocated that such 10 day demands violate the FDCPA. Consumer Counsel has argued that it is inconsistent to demand payment in full within the 10 days. There is a strong presumption that the federal act in the area of "notices and timeliness" has preempted the field.

A limitation on a service charge would force collectors and merchants to use the overburdened court system far more frequently. This potential increase in court obligations would transfer the costs of collecting bad checks to the taxpayers via the courts. The person who writes a bad check should be the one who pays the cost of collection. This can be accomplished through the private sector's collection agencies and the merchants who accept checks in the normal course of their business.

EXHIBIT 4
DATE 2-10-95
SB 298

The proposed amendments provide the following:

1. Reasonable collection charges to the writers of bad checks. The language proposed is from the State of Washington statutes dealings with the same issue.

2. The change from the 10 day **demand** for payment, to the 30 day notice, complies with the Fair Debt Collection Practices Act. Montana does not need a court challenge to this notice issue. Other states have experienced challenges with notice periods shorter than the federal standard.

3. Removal of the set fees lets the market forces work. The legislature revisiting fees is an onerous burden on both the legislative body and the taxpayers.

4. Any increase in public collection efforts via the county prosecuting attorney and court system is a waste of taxpayer money when a collection agency will do the job in the private sector.

5. The person who writes a "bad check" should be the one who pays for the debt collector's efforts, not the Montana taxpayers.

Thank you for your attention in this matter.

Respectfully yours,

Michael McQueen

Sarah McQueen

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 5
DATE 2/10/95
BILL NO. SB 298
(Presented by Sarah McQueen)

PROPOSED AMENDMENT TO SENATE BILL 298

A BILL FOR AN ACT ENTITLED: "AN ACT FOR A SERVICE CHARGE UPON THE DISHONOR OR STOP PAYMENT OF A CHECK, DRAFT, OR ORDER FOR PAYMENT; AND AMENDING SECTION 27-1-717, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-717, MCA, is amended to read:

"**27-1-717. Issuing a bad check or stopping payment--civil liability.**

(1) A person who issues a check, draft, or an order for the payment of money is liable for a reasonable handling fee for each such instrument. (2), or for damages in a civil action, as provided in subsection ~~(2)~~(3), to the ~~person~~ payee to whom the check, draft, or order is issued, or the payee's assignee, if the check, draft, or order is:

(a) dishonored for lack of funds or credit or because the issuer has no account with the drawee; or

(b) issued in partial or complete fulfillment of a valid and legally binding obligation and the issuer stops payment with the intent to fraudulently defeat a possessory lien or otherwise defraud the payee of the check.

(2) ~~Except as provided in subsection (7),~~ the person who issues the check, draft, or order is liable to the payee or payee's assignee for a reasonable service charge for each instrument ~~in an amount not greater than $15.~~ The payee or the payee's assignee may

waive the service charge. Demand for the service charge must be made in writing by the payee or the payee's assignee and mailed to the address shown on the check, draft, or order or to the issuer's last-known address. The demand must state that the issuer has a period of ~~10~~ 30 calendar days from the date of the written demand to pay the value of the check, draft or order and must state the service charge provided for in this section.

(3) The amount of damages awarded pursuant to subsection (1) must be an amount equal to the sum of ~~$15~~ $30 plus the greater of $100 or three times the amount for which the check, draft, or order was issued. However, damages may not exceed the value of the check, draft, or order by more than $500.

~~(3)~~(4) The remedy provided by ~~this section~~ subsection (3) is available only if:

(a) the person to whom the check, draft, or order was issued as payee or payee's assignee has made the written demand, mailed to the last known address or the address shown on the check, to the drawer for payment of the amount of the check, draft, or order required in subsection (2) not less than ~~10~~ 30 days before commencing the action; and

(b) the issuer has failed to tender an amount of money equal to the amount demanded under subsection (2) prior to the commencement of the action.

~~(4)~~(5) The remedy provided by this section:

(a) may be pursued notwithstanding the provisions of 27-1-312;

(b) may be pursued whether or not a criminal penalty is sought under 45-6-316 or any other statute providing a criminal penalty; and

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SB 298

(c) does not affect the obligation of the ~~drawer~~ issuer provided for in 30-3-423 to pay the amount of the draft. However, in case of any inconsistency with the provisions of Title 30, chapter 3, the provisions of this section apply.

(6) Upon introduction by the payee or the payee's assignee of evidence sufficient to establish the fact of mailing as required under subsection (2), the failure to receive the written demand is not a defense to the action allowed under subsection (3).

(7) ~~The limit on the service charge provided for in subsection (2) increases by $1 each calendar year beginning October 1, 1995, but the service charge may not exceed $25 without further action by the legislature.~~

-END-

Cross-References
Rural Electric and Telephone Cooperative Act, Title 35, ch. 18.

69-5-104. Continuation of service to existing consumers. Every electric supplier shall have the right to serve all premises being served by it or to which any of its facilities are attached on February 1, 1971.
History: En. Sec. 3, Ch. 7, L. 1971; R.C.M. 1947, 70-503(1).

69-5-105. Service to new consumers. (1) Subject to 69-5-106, the electric supplier having a line nearest the premises, as measured in accordance with subsection (2), shall serve premises initially requiring service after February 1, 1971.

(2) All measurements under this part shall be made on the shortest straight line which can be drawn from the conductor nearest the premises to the nearest permanent portion of the premises. Construction power for premises to be constructed shall be supplied by the electric supplier having the right to serve the completed premises.
History: En. Sec. 3, Ch. 7, L. 1971; R.C.M. 1947, 70-503(2).

69-5-106. Service to industrial or commercial premises. (1) An electric utility has the right to furnish electric service to any industrial or commercial premises if the estimated connected load for full plant operation at such industrial or commercial premises will be 400 kilowatts or larger within 2 years from the date of initial service provided such electric utility can extend its lines to such industrial or commercial premises at less cost to the electric utility or the industrial or commercial customer than the electric cooperative cost. The estimated connected load shall be determined from the plans and specifications prepared for construction of the premises or, if such estimate is not available, shall be determined by agreement of the electric supplier and the customer. The fact that actual connected load after 2 years from the date of initial service is less than 400 kilowatts does not affect the right of the electric supplier initially providing service to continue service to such premises.

(2) An independent consultant engineer agreeable to both electric suppliers or, in the event of failure of the electric suppliers to agree on a consultant engineer, an independent consultant engineer selected by the district court having jurisdiction, as provided in 69-5-110, shall determine which electric supplier can extend its lines to the consumer at the least cost. The cost of such engineering services shall be paid equally by the electric suppliers involved.

(3) No premises other than another such commercial or industrial premises shall be served from a line constructed under this section.
History: En. Sec. 3, Ch. 7, L. 1971; R.C.M. 1947, 70-503(3); amd. Sec. 12, Ch. 43, L. 1979.

69-5-107. Service to property owned by electric supplier. Nothing in 69-5-103 through 69-5-106 shall restrict the right of an electric supplier to furnish electric service to any property owned by the electric supplier.
History: En. Sec. 3, Ch. 7, L. 1971; R.C.M. 1947, 70-503(4).

69-5-108. Agreements between electric suppliers as to service areas. Notwithstanding the provisions of 69-5-103 through 69-5-107, any electric supplier may furnish electric service to any consumer at any premises

being served by another electric supplier upon written agreement of the affected electric suppliers or at premises which another electric supplier has the right to serve pursuant to this part, upon written agreement of the affected electric suppliers.
History: En. Sec. 4, Ch. 7, L. 1971; R.C.M. 1947, 70-504.

69-5-109. Special provisions for annexed areas. With respect to service in areas which are annexed to incorporated municipalities having a population in excess of 3,500 persons, electric suppliers have rights and are subject to restrictions as follows:

(1) Every electric supplier has the right to serve all premises being served by it on the date of annexation.

(2) An electric cooperative does not have the right to serve any premises initially requiring service on or after the date of annexation. The restriction stated in this subsection does not apply to incorporated municipalities in which 95% or more of the premises were served by an electric cooperative on February 1, 1971.
History: En. Sec. 5, Ch. 7, L. 1971; R.C.M. 1947, 70-505; amd. Sec. 13, Ch. 43, L. 1979.

69-5-110. Jurisdiction of district courts over disputes. The district courts of the county or counties within which the premises or lines involved in any dispute are located shall have jurisdiction under this part over all electric suppliers subject to the provisions thereof.
History: En. Sec. 6, Ch. 7, L. 1971; R.C.M. 1947, 70-506.

69-5-111. Judicial remedies. (1) Whenever it shall appear that any electric supplier is failing or omitting or about to fail or omit to do anything required of it by this part or is doing or is about to do anything or to permit anything to be done contrary to or in violation of this part, any electric supplier affected thereby shall have the right to file a complaint in the district court briefly setting forth the acts or omissions complained of and requesting an injunction.

(2) If an affidavit showing that grounds exist therefor is filed with the complaint, a temporary restraining order shall be issued without notice. A copy of the temporary restraining order, complaint, and affidavit shall be served upon the defendant, together with an order to show cause why the temporary restraining order should not be made permanent, within 5 days after issuance of the temporary restraining order. The hearing on the order to show cause must be held at a date specified therein, which shall not be more than 10 days after service thereof and shall take precedence over all matters pending before the district court. A judgment making the injunction permanent or dissolving the temporary restraining order theretofore issued and dismissing the complaint must be made not later than 10 days after the hearing on the order to show cause.

(3) Any party aggrieved by the order may appeal to the supreme court of Montana by filing a notice of appeal in the district court within 20 days from entry of the order. The appeal must be perfected within 20 days thereafter and shall take precedence over all matters pending before the supreme court of Montana.
History: En. Sec. 7, Ch. 7, L. 1971; R.C.M. 1947, 70-507.

EXHIBIT NO. 2
DATE 2/1/83
BILL NO. SB 323

DATE February 10, 1995

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: SB 260 Senator Pipinich SB 298 Senator VanValkenburg SB 302 Senator Jabs

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Bob Rock	Collection Bureau Inc	298	X	
Ellen Engstedt	Don't Gamble With the Future	260	X	
Dennis Casey	GIA	260	X	
Norma Jean Bales	DCHS - ADAD	260	X	
Charles R. Brooks	MT Food Distributors Assoc	298		X
Daniel N. McLean	~~Missoula~~ Credit Bureau of Missoula, Inc	298	X	
Jay Downer	Mont Elec Co-op	302	X	
Tim Gregori	Big Horn Rural Coop	302	X	
Terry M. Hotzen	Yellowstone Valley Elec Coop	302	X	
[illegible]	Dept of Justice	260	X	
Larry Akey	Montana Contractor	260	X	X
Maryanne Murphy	Montana Lottery	260	X	
John Alke	MDU	302	X	
John Murphy	MPC	302	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10

NATE BUSINESS & INDUSTRY
XHIBIT NO. 7
IATE 2/10/95
BILL NO. SB 246
(Presented by Sen. Sprague)

Amendments to Senate Bill No. 246
First Reading Copy

Requested by Senator Weldon
For the Senate Committee on Business and Industry

Prepared by Connie Erickson
February 9, 1995

1. Title, line 6.
Strike: "PAWNBROKER"
Insert: "PERSON SUFFERING ECONOMIC LOSS AS A RESULT OF THE CRIME"

2. Page 1, line 12.
Following: "warrant."
Strike: "(1)"

3. Page 1, line 16.
Following: "~~demand,~~"
Strike: "The"
Insert: "Following expiration of the 30-day period, the"

4. Page 1, line 17.
Following: "officer"
Insert: "upon demand"

5. Page 1, lines 17 and 18.
Strike: "if" on line 17 through "warrant" on line 18

6. Page 1, line 19.
Strike: "The"
Insert: "During the 30-day period, the"

7. Page 1, line 20.
Following: "court"
Insert: "or municipal court"

8. Page 1.
Following: line 20
Insert: "(2) As used in this section, "administrative warrant" means a warrant:
(a) issued by the chief law enforcement officer of the jurisdiction;
(b) that describes the property to be held; and
(c) that states that the pawnbroker shall hold the property

for 30 days from the date of receipt."

9. Page 1, line 24.
Strike: "pawnbroker"
Insert: "a person suffering an economic loss as a result of the crime"

SENATE JOURNAL
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 10, 1995

Senate Chambers
State Capitol

Senate convened at 3:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Swysgood and Grosfield, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the thirty-fourth legislative day, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): February 10, 1995
Correctly printed: SB 163, SB 180, SB 182, SB 201, SB 208, SB 217, SB 222, SB 238, SB 243, SB 268, SB 284, SB 297.
Correctly engrossed: SB 134, SB 177, SB 197, SB 202, SB 209, SB 210, SB 216, SB 218, SB 228, SB 242, SB 244, SB 265, SB 270, SB 275, SB 279, SB 305, SJR 10.
Correctly enrolled: SB 29, SJR 2.
Examined by the sponsor and found to be correct: SJR 2.
Signed by the Secretary of the Senate at 3:30 p.m., February 9, 1995: SB 29.
Signed by the President at 3:30 p.m., February 9, 1995: SB 29.
Signed by the Speaker of the House at 7:14 a.m., February 10, 1995: SB 29.
Signed by the Secretary of the Senate at 4:15 p.m., February 10, 1995: SJR 2
Signed by the President at 4;15 p.m., February 10, 1995: SJR 2
Delivered to the Governor for his approval at 10:50 a.m., February 10, 1995: SB 29.

AGRICULTURE, LIVESTOCK & IRRIGATION (Devlin, Vice-Chairman): February 10, 1995
SB 319, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "BEEF;" on line 5
Strike: remainder of line 5 through "PRODUCTS;" on line 6

2. Page 1, line 20.
Strike: "(1)"

3. Page 1, line 22 through page 2, line 13.
Strike: line 22 on page 1 through "(g)" on page 2, line 13
Insert: "(1)"

4. Page 2, line 13.
Following: "cooperate"
Insert: "and contract"

Following: "council"
Strike: "by"
Insert: "for"

5. Page 2, line 14.
Following: "livestock"
Strike: "or" through "a"
Insert: "as established in the national Beef Promotion and Research Act of 1985, also referred to as the national beef check-off. Any"

6. Page 2, line 15.
Strike: first "is"
Following: "council"
Strike: "under which the department is reimbursed"
Insert: "must reimburse the department"

7. Page 2, line 16.
Following: "activities"
Strike: ";"
Insert: "."

8. Page 2, lines 17 through 19.
Strike: "(h)" on line 17 through "(i)" on line 19
Insert: "(2)"

9. Page 2, line 19.
Strike: "[sections 1 and 2]"
Insert: "this section"

10. Page 2, line 23.
Strike: "(2)(g)"
Insert: "(1)"

11. Page 2, line 26.
Strike: "(2)(g)"
Insert: "(1)"

And, as amended, do pass. **Report adopted.**

BUSINESS & INDUSTRY (Hertel, Chairman): February 10, 1995
SB 260, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.
Strike: "$50"
Insert: "$20"

2. Page 2, line 1.
Strike: "justice"

Insert: "corrections and human services"

3. Page 3, lines 6 and 15.
Page 4, lines 3 and 27.
Page 5, line 18.
Page 6, line 22.
Strike: "5%"
Insert: "1%"

4. Page 6, line 25.
Strike: "instruction"
Insert: "instructions"
Following: "."
Insert: "(1)"
Strike: "through 3"
Insert: "and 2"

5. Page 6, line 26.
Strike: "through 3"
Insert: "and 2"

6. Page 6, line 27.
Insert: "(2) [Section 3] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 3]."

And, as amended, do pass. Report adopted.

SB 302, introduced bill, do pass. Report adopted.

EDUCATION (Toews, Chairman): February 10, 1995
SB 118, introduced bill, be amended as follows:

1. Title, line 5.
Following: "REVENUE"
Insert: ", INCLUDING CERTAIN TUITION PAYMENTS, REVENUE FROM PROPERTY TAXES AND FEES, NET PROCEEDS FROM CERTAIN OIL AND GAS PRODUCTION, INTEREST EARNED ON GENERAL FUND INVESTMENTS, AND CORPORATION LICENSE TAX REVENUE,"

2. Title, line 6.
Following: "DATE AND"
Strike: "AN"
Insert: "A DELAYED"

3. Page 3, line 7.
Strike: "1995"
Insert: "1996"

And, as amended, do pass. Report adopted.

SB 250, introduced bill, be amended as follows:

1. Page 1, lines 13 and 14.
Following: "(2)
Strike: remainder of line 13 through "balance" on line 14
Insert: "The trustees of a district may transfer money from the general fund, within the adopted budget,

2. Page 1, line 16.
Following: second "fund"
Insert: "and must be used to reduce the district's general fund BASE budget levy requirement computed pursuant to 20-9-141"

And, as amended, do pass. Report adopted.

SB 291, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "DATE" on line 6
Strike: remainder of line 6 through "DATE" on line 7

2. Page 1, lines 26 through 28.
Strike: "**-- applicability**" on line 26.
Following: "1995" on line 26
Strike: remainder of line 26 through "1995" on line 28

And, as amended, do pass. Report adopted.

FISH & GAME (Mesaros, Chairman): February 10, 1995
SB 259, introduced bill, be amended as follows:

1. Title, line 5.
Following: the first "SEASON"
Strike: "PRECEDING A"
Insert: "DURING THE"
Strike: "SECTION 87-1-304"
Insert: "SECTIONS 87-1-301, 87-2-105, AND 87-2-708"

2. Page 1, line 10 through page 2, line 26.
Strike: sections 1 through 3 in their entirety
Insert: "**Section 3.** Section 87-1-301, MCA, is amended to read:

"**87-1-301. Powers of commission.** (1) The commission shall:

(a) set the policies for the protection, preservation, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;

(b) establish the hunting, fishing, and trapping rules of the department;

(c) establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) have the power within the department to establish wildlife refuges and bird and game preserves;

(e) approve all acquisitions or transfers by the department of interests in land or water;

(f) review and approve the budget of the department prior to its transmittal to the budget office; and

(g) review and approve construction projects whose estimated cost is more than $1,000 but less than $5,000.

(2) The commission may adopt rules regarding the use and type of archery equipment and atlatl equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery and atlatl equipment change."

Section 2. Section 87-2-105, MCA, is amended to read:

"**87-2-105. Safety instruction required.** (1) A hunting license may not be issued to a resident person under the age of 18 years unless the resident presents to the person authorized to issue the license a certificate of competency as provided by this section.

(2) A hunting license may not be issued to a nonresident person under the age of 18 years unless the nonresident presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the nonresident has successfully completed a course in the safe handling of firearms in any state or province.

(3) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the member or dependent presents to the person authorized to issue the license a certificate of competency, as provided in this section, or a certificate verifying that the member or dependent has successfully completed a hunter safety course in any state or province.

(4) A bow and arrow license, including a license to hunt with an atlatl under the provisions of 87-2-708(2), may not be issued to a resident or nonresident unless the resident or nonresident presents to the person authorized to issue the license an archery license issued for a prior hunting season or a certificate of completion from the national bowhunter education foundation. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bow hunter education requirements. ~~As part of those public information efforts, the department shall notify by mail all individuals who purchased a Class A-2 special bow and arrow license during the 1990-91 hunting season.~~

(5) The department shall provide for a course of instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of firearms. The department may designate as an instructor any person it finds to be competent to give instructions in the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of competency in the safe handling of firearms to a person successfully completing the course.

(6) The department shall provide for a course of instruction from the national bowhunter education foundation and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give the national bowhunter education foundation instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion from the national bowhunter education foundation to any person successfully completing the course."

Section 3. Section 87-2-708, MCA, is amended to read:

"**87-2-708. Class A-2--special bow and arrow license.** (1) A holder of a valid hunting license for which a special archery season is set by the ~~department~~ commission may receive, upon payment of an additional fee of $8, a Class A-2 license ~~which shall authorize~~ that authorizes the ~~holder thereof~~ license holder to pursue, hunt, shoot, and kill with bow and arrow the game animals ~~so~~ authorized by the licenses held and to possess the carcass ~~thereof~~

of an authorized game animal during seasons and in areas, as designated by the ~~department~~ commission.

(2) A holder of a Class A-2 license and a valid hunting license for deer may hunt deer with an atlatl during the first 2 days of the special archery season set by the commission.""

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Grosfield, Chairman): February 10, 1995

SB 147, introduced bill, be amended as follows:

1. Page 2, line 14.
Following: "lands"
Insert: ", except for lease renewals and immediate family transfers,"

And, as amended, do pass. Report adopted.

SB 231, introduced bill, be amended as follows:

1. Page 1
Strike: line 10 through line 11.

2. Page 1, line 12.
Following: "that"
Strike: "any"

3. Page 1, lines 13 and 14..
Following: "actions" on line 13
Strike: "be" on line 13 through "practicable." on line 14
Insert: "that regulate the use of private property are evaluated to ensure that alternatives that reduce, minimize or eliminate regulatory restrictions are considered. It is not the intent of the legislature to affect in any manner other economic or social considerations or any other analysis conducted under the Montana Environmental Policy Act."

4. Page 3, line 18.
Following: "property"
Insert: ", as provided in subsection (1)(b)(iv)(D)"

5. Page 3, lines 26 and 27.
Following: "including"
Strike: ":" on line 26 through "(I)" on line 27.

6. Page 3, line 28.
Strike: "implemented; and"
Insert: "analyzed. The analysis in this subsection (1)(b)(iv)(D) need not be prepared if the proposed action does not involve the regulation of private property."

7. Page 3, line 29 through line 1 on page 4.
Strike: subsection (II) in its entirety.

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 9, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 35** and **SB 71** sponsored by Senator Stang, **SB 34** sponsored by Senator Swysgood and **SB 4** sponsored by Senator Weldon on February 9, 1995.

Sincerely,

MARC RACICOT
Governor

February 10, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 106** sponsored by Senator Jenkins and **SB 108** sponsored by Senator Holden on February 10, 1995.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: February 10, 1995

SB 52, introduced by Harp

House bills passed and transmitted to the Senate for concurrence:

HB 64, introduced by Ewer
HB 195, introduced by Swanson
HB 196, introduced by Swanson
HJR 11, introduced by Tuss

HB 273, introduced by Grinde, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

YEAS -- 87
NAYS -- 13

MOTIONS

SB 179 - Senator Wilson moved SB 179 be taken from the table in the Committee on Labor & Employment Relations, printed, and placed on second reading this legislative day. Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Gage, Halligan, Harding, Jacobson, Jergeson, Klampe, Lynch, Nelson, Pipinich, Stang, Toews, Van Valkenburg, Waterman, Weldon, Wilson.
Total 23

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Tveit, Mr. President.
Total 27

Paired: Doherty, Halligan, Aye; Grosfield, Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 342 - Senator Bartlett moved SB 342 be taken from the Committee on Judiciary and rereferred to the Committee on Finance & Claims. Motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 345, introduced by Swysgood, Grimes, Foster, Grinde, McGee, Aklestad, Quilici, Crippen, Kasten, Brown, Brainard, R. Johnson, Rehbein, Christiaens, Harp, Trexler, Wells and Grady (by the request of the Office of the Governor), referred to Committee on State Administration.
SB 346, introduced by Forrester, Halligan, Grosfield and Knox (by the request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources.
SB 347, introduced by Crismore, Beck, Swysgood, Harp, Mesaros, Mohl, Aklestad and Gage, referred to

Committee on Natural Resources.
SB 348, introduced by Grosfield, Masolo, Rehbein and Forrester, referred to Committee on Labor & Employment Relations.
SB 349, introduced by Foster, referred to Committee on Natural Resources.
SB 350, introduced by Van Valkenburg, referred to Committee on Judiciary.
SB 351, introduced by Stang, Peck, Ream, Kitzenberg, Elliott, Eck, Van Valkenburg, Doherty, Franklin, Kadas, Harrington, Schwinden, Swanson, Wyatt and Tuss (by the request of the Superintendent of Public Instruction), referred to Committee on Education.
SB 352, introduced by Grosfield, Anderson and Mesaros, referred to Committee on Fish & Game.
SB 353, introduced by Halligan and Grimes, referred to Committee on Judiciary.
SB 354, introduced by Forrester, Simon, Harp, Quilici, Galvin and Keating, referred to Committee on Labor & Employment Relations.
SB 355, introduced by Forrester, Foster, Molnar, Galvin, Shea, Quilici, Pavlovich and Keating, referred to Committee on Highways & Transportation.
SB 356, introduced by Wilson, Franklin, L. Nelson, Lynch and Bartlett, referred to Committee on Business & Industry.
SB 357, introduced by Van Valkenburg, Lynch, Beck, Harper and Hertel, referred to Committee on State Administration.
SB 358, introduced by Halligan, Menahan, Pipinich, Tveit, Harrington, Fuchs, Bergman, Doherty, Gage, Devlin and Anderson, referred to Committee on Taxation.
SB 359, introduced by Eck, referred to Committee on Taxation.
SB 360, introduced by Keating (by the request of the Senate Finance and Claims Committee), referred to Committee on Finance & Claims.
SB 361, introduced by Weldon, referred to Committee on Highways & Transportation.
SB 362, introduced by Tveit, referred to Committee on Natural Resources.
SB 363, introduced by Doherty, referred to Committee on State Administration.
SB 364, introduced by Sprague, referred to Committee on Agriculture, Livestock & Irrigation.
SB 365, introduced by Cole, Rehbein, Stovall and Keating, referred to Committee on Natural Resources.
SB 366, introduced by Cole, Hargrove, Rehbein, Feland, Gage, Stovall and Keating, referred to Committee on Natural Resources.
SB 367, introduced by Swysgood, Tash, Devlin and Tveit, referred to Committee on Fish & Game.
SB 371, introduced by Grosfield, referred to Committee on Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bartlett in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 128 - Senator Jergeson moved SB 128, second reading copy, be amended as follows:

1. Page 2, line 20.
Following: "(15)"
Insert: "(a)"

2. Page 2, line 22.
Following: "department."
Insert: "(b) The term does not include land with residential structures for which fire protection is otherwise provided:
(i) in a legally established rural fire district;
(ii) within a municipal fire department jurisdiction;
(iii) in a fire service fee area;
(iv) by a private, volunteer fire company that assesses and collects from its members an annual fee of at least $25 and that maintains a mutual aid agreement with a federal or state fire protection agency or an entity listed in subsection (15)(b)(i) through (15)(b)(iii).
(c)"

3. Page 3, line 13.
Strike: "$20"
Insert: "$30"

Motion carried with Senators Harp, Keating, and Crismore voting nay.

Senator Jergeson moved SB 128, as amended, do pass. Motion carried as follows:

Yeas: Bartlett, Brooke, Christiaens, Crippen, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Halligan, Hargrove, Holden, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Miller, Nelson, Van Valkenburg, Waterman, Wilson.
Total 24

Nays: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crismore, Foster, Gage, Harding, Harp, Hertel, Keating, Mohl, Pipinich, Sprague, Stang, Toews, Tveit, Weldon, Mr. President.
Total 22

Absent or not voting: Franklin, Mesaros.
Total 2

Excused: Grosfield, Swysgood.
Total 2

SB 163 - Senator L. Nelson moved SB 163 do pass. Motion carried unanimously.

Senator Grosfield present at this time.

Senator Doherty assumed the Chair at this time.

SB 180 - Senator Tveit moved SB 180 do pass. Motion failed as follows:

Yeas: Aklestad, Baer, Benedict, Burnett, Crismore, Devlin, Emerson, Estrada, Gage, Harding, Hargrove, Hertel, Jabs, Jenkins, Keating, Klampe, Miller, Nelson, Tveit.
Total 19

Nays: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Forrester, Foster, Franklin,

Grosfield, Halligan, Harp, Holden, Jacobson, Jergeson, Lynch, Mesaros, Mohl, Pipinich, Sprague, Stang, Toews, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

Senator Van Valkenburg moved that SB 180 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Holden, Jacobson, Jergeson, Lynch, Mesaros, Mohl, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 32

Nays: Aklestad, Baer, Benedict, Burnett, Crismore, Devlin, Emerson, Gage, Harding, Hertel, Jabs, Jenkins, Keating, Klampe, Miller, Toews, Tveit.
Total 17

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

Senator Bartlett resumed the Chair at this time.

SB 182 - Senator Weldon moved SB 182 do pass. Motion carried with Senators Jenkins, Gage, Baer and Emerson voting nay.

SB 201 - Senator Burnett moved SB 201 do pass. After discussion, Senator Burnett made a substitute motion that consideration of SB 201 be placed at the bottom of the second reading board for purpose of amendment. Motion carried unanimously.

SB 207 - Senator Mesaros moved SB 207, second reading copy, be amended as follows:

1. Page 1, line 21.
Strike: "a farm"
Insert: "land classified as agricultural land for taxation purposes and that occurs"

2. Page 2, lines 13 through 15.
Following: "(2)" on line 13
Strike: remainder of line 13 through "product"" on line 15
Insert: ""Commercial production of farm products""

3. Page 2, line 15.

Strike: "those"
Insert: "the marketing of"
Strike: "and"
Insert: "or"
Strike: "useful to humans and"
Insert: "by the owner, owner's agent, or lessee of land that provides an annual gross income of not less than $1,500. The term"

Motion carried unanimously.

Senator Mesaros moved SB 207, as amended, do pass. Motion carried unanimously.

SB 208 - Senator Mesaros moved SB 208 do pass. Motion carried unanimously.

SB 217 - Senator Doherty moved SB 217 do pass. Motion carried unanimously.

SB 221 - Senator Doherty moved SB 221 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 32

Nays: Aklestad, Baer, Benedict, Bishop, Brooke, Burnett, Devlin, Emerson, Estrada, Foster, Holden, Jabs, Jenkins, Sprague, Stang, Toews.
Total 16

Absent or not voting: Tveit.
Total 1

Excused: Swysgood.
Total 1

SB 222 - Senator Cole moved SB 222 do pass. Motion carried unanimously.

SB 238 - Senator Van Valkenburg moved consideration of SB 238 be passed for the day. Motion carried unanimously.

SB 243 - Senator Wilson moved SB 243 do pass. Motion carried unanimously.

SB 268 - Senator Hargrove moved SB 268 do pass. Motion carried with Senator Estrada voting nay.

SB 284 - Senator Van Valkenburg moved SB 284 do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Franklin, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Toews, Van Valkenburg, Waterman, Wilson, Mr. President.

Total 40

Nays: Brooke, Doherty, Eck, Foster, Halligan, Jergeson, Stang, Tveit, Weldon.
Total 9

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 289 - Senator Brooke moved SB 289 do pass. Motion carried unanimously.

SB 297 - Senator Doherty moved SB 297 do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 42

Nays: Devlin, Emerson, Estrada, Jacobson, Jenkins, Lynch, Sprague.
Total 7

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 201 - Senator Burnett moved SB 201, second reading copy, be amended as follows:

1. Title, line 5.
Following: "AN"
Strike: "EMPLOYEE HAS BEEN INVOLVED IN"
Insert: "EMPLOYEE'S ACTS OR FAILURE TO ACT IS THE DIRECT OR PROXIMATE CAUSE OF"

2. Title, line 6.
Strike: "$500"
Insert: "$2,500; PROVIDING FOR REMOVAL OF REQUIRED TEST FROM EMPLOYEE'S WORK RECORD"

3. Page 1, line 26.
Following: "an"
Strike: "employee has been involved in"
Insert: "employee's acts or failure to act is the direct or proximate cause of"

4. Page 1, line 27.
Strike: "$500"

Insert: "$2,500"

5. Page 2, line 8.
Following: "tests."
Insert: "The written record of a blood or urine test of an employee who is required to submit to testing pursuant to subsection (1)(c)(ii) and whose acts or failure to act is subsequently found not to be the direct or proximate cause of a work-related accident must be removed from the employee's work record and be destroyed."

Motion carried unanimously.

Senator Burnett moved SB 201, as amended, do pass. Motion carried with Senators Wilson, Van Valkenburg and Halligan voting nay.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Bartlett moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 134 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 177 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr.

President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 197 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Pipinich, Sprague, Stang, Toews, Tveit, Waterman, Weldon, Wilson, Mr. President.
Total 45

Nays: Doherty, Jergeson, Nelson, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 202 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 209 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 210 passed as follows:

Yeas: Baer, Bartlett, Benedict, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Estrada, Forrester, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 37

Nays: Aklestad, Beck, Burnett, Devlin, Emerson, Foster, Harp, Jenkins, Mohl, Nelson, Swysgood, Toews, Tveit.
Total 13

Paired: Bishop, Aye; Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 216 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.

Total 0

Excused: Swysgood.
Total 1

SB 218 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 228 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Franklin, Gage, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 44

Nays: Benedict, Christiaens, Foster, Grosfield, Klampe.
Total 5

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 242 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crismore, Doherty, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 42

Nays: Brooke, Crippen, Devlin, Eck, Harding, Keating, Sprague, Weldon.
Total 8

Paired: Swysgood, Aye; Crippen, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 244 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 265 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 270 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Waterman, Wilson, Mr. President.
Total 47

Nays: Van Valkenburg, Weldon.
Total 2

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 275 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 279 passed as follows:

Yeas: Baer, Bartlett, Bishop, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Estrada, Forrester, Franklin, Grosfield, Halligan, Harding, Hertel, Jacobson, Jergeson, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 30

Nays: Aklestad, Beck, Benedict, Burnett, Crismore, Devlin, Emerson, Foster, Gage, Hargrove, Harp, Holden, Jabs, Jenkins, Keating, Mohl, Sprague, Stang, Wilson.
Total 19

Absent or not voting: None.
Total 0

Excused: Swysgood.

Total 1

SB 305 passed as follows:

Yeas: Aklestad, Baer, Beck, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Foster, Franklin, Gage, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jenkins, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Stang, Toews, Tveit, Waterman, Mr. President.
Total 32

Nays: Bartlett, Benedict, Bishop, Brooke, Christiaens, Estrada, Forrester, Harding, Jabs, Jacobson, Jergeson, Lynch, Pipinich, Sprague, Van Valkenburg, Weldon, Wilson.
Total 17

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SJR 10 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Toews, Tveit, Van Valkenburg, Weldon, Wilson, Mr. President.
Total 45

Nays: Doherty, Forrester, Stang, Waterman.
Total 4

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

MOTIONS

SB 342 - Senator Bartlett moved that Waterman, Grady, Hibbard, Ewer, Masolo, Ahner and Harper be added as sponsors to SB 342. Motion carried.

SB 297 - Senator Franklin moved she be allowed to change her vote on SB 297, second reading, from nay to aye. Motion carried unanimously.

SB 210 - Senator Beck moved he be allowed to change his vote on SB 210, third reading, from aye to nay. Motion carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Saturday, February 11, 1995. Motion carried.

Senate adjourned at 6:47 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 11, 1995

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senator Swysgood, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): February 11, 1995
Correctly printed: SB 147, SB 167, SB 231, SB 250, SB 259, SB 260, SB 271, SB 286, SB 291, SB 302, SB 319, SJR 6.
Correctly engrossed: SB 128, SB 163, SB 182, SB 201, SB 207, SB 208, SB 217, SB 221, SB 222, SB 243, SB 268, SB 284, SB 289, SB 297.
Signed by the Speaker of the House at 7:47 p.m., February 10, 1995: SJR 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Beck, Chairman): February 11, 1995
recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 13, 1995, for the week of February 13 - February 18:

TITLE	NAME
Pages:	Kelly Antos
	Sarah Johnson
	Thomas Mazurek
	Lori Torgerson
	Natasha Tweten
	Rebecca Iverson
	Cody Kelley
	Julia Norman
	Sharina Tveit

Report adopted.

NATURAL RESOURCES (Grosfield, Chairman): February 11, 1995
SB 145, introduced bill, do pass. Report adopted.
SB 288, introduced bill, be amended as follows:

1. Title, line 4 through line 9.
Strike: "EXEMPTING" on line 4 through "ACT" on line 9.
Insert: "CLARIFYING THE BURDEN OF PROOF FOR ACTIONS IN WHICH AN AGENCY DETERMINES

NOT TO CONDUCT AN ENVIRONMENTAL IMPACT STATEMENT; EXEMPTING THE LEGISLATURE FROM THE PROVISIONS OF THE MONTANA ENVIRONMENTAL POLICY ACT"

2. Title, line 9 and 10.
Strike: "SECTIONS" on line 9 through "AND" on line 10
Insert: "SECTION"

3. Page 1, line 19.
Following: "except"
Insert: "the legislature and except"

4. Page 1, line 19.
Strike: "subsections"
Insert: "subsection"
Strike: "and (3)"

5. Page 1, line 26.
Strike: "legislation,"

6. Page 4, line 1 through line 8.
Strike: "An" on line 1 through "actions."
Insert: "In any action challenging or seeking review of an agency's determination that a statement pursuant to subsection (1)(b)(iii) is not required, the burden of proof is on the person challenging the decision. A court may not set aside the agency's decision unless it finds that there is clear and convincing evidence that the decision was arbitrary or capricious or not in compliance with law."

7. Page 4, lines 10 through 17.
Strike: Section 2 in its entirety

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: February 11, 1995

HB 212, introduced by Anderson
HB 342, introduced by Pavlovich
HB 404, introduced by McCulloch
HJR 15, introduced by Wiseman

MOTIONS

SB 199 - Senator Foster moved that SB 199 be taken from the Committee on Natural Resources, printed and placed on second reading on the thirty-seventh legislative day. Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Foster, Franklin, Halligan, Jacobson, Jergeson, Klampe,

Lynch, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 18

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 32

Paired: Foster, Aye; Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 322 - Senator Jacobson moved that Senator Harp be added as an additional sponsor to SB 322. Motion carried.

SB 369 - Senator Christiaens moved that Tuss, Tropila, Forbes, Wyatt, Wiseman and Ryan be added as additional sponsors to SB 369. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

SB 368, introduced by Klampe, referred to Committee on Public Health, Welfare & Safety.
SB 369, introduced by Christiaens, Kottel, Galvin, Doherty, Wilson, Mesaros and Franklin, referred to Committee on Finance & Claims.
SB 370, introduced by Toews, Swysgood, Feland, Keenan, Simpkins, Brainard and Mills, referred to Committee on Education.
SB 372, introduced by Stang, referred to Committee on State Administration.
SB 373, introduced by Foster, Grimes, Stang, Curtiss, Benedict, Beck, Devlin and Pavlovich, referred to Committee on Natural Resources.
SB 374, introduced by Harp (by the request of the State Fund), referred to Committee on Labor & Employment Relations.
SB 375, introduced by Benedict, Hibbard, Harp, Brown, Clark, Mercer, Grinde, Sliter, Aklestad, Ahner, Cobb, Keating, Miller, Keenan, Stang, Devaney, Brainard, Rehbein, Fuchs, Debruycker, Anderson, Grimes, McGee, Kitzenberg, Soft, Forbes, Taylor, Bergman, McKee, M. Hanson, Barnett, Vick, Arnott, Green, Somerville, Hayne, Masolo, Crippen, Forrester, Emerson, Jabs, Jenkins, Mesaros, Cole, Gage, Trexler, Hertel, Kasten, Fisher, Baer, Mills, Bohlinger, Burnett, Wells, Denny, Simpkins, L. Smith, Hargrove, Marshall and Rose, referred to Committee on Labor & Employment Relations.
SB 376, introduced by Christiaens and Mohl, referred to Committee on Business & Industry.
SB 378, introduced by Swysgood, referred to Committee on Highways and Transportation.
SJR 13, introduced by Stang, Brown, Elliott, Arnott, Bishop, Devlin, Van Valkenburg, Doherty, Franklin, Gage, Kadas, Harrington, Sliter, Swanson, Wyatt, Jacobson, Cocchiarella, Simpkins, Toews, Peck, Hertel, Jergeson, Ellis, Waterman, Forrester, Jenkins and Mesaros, referred to Committee on Education.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 128 failed as follows:

Yeas: Bartlett, Brooke, Christiaens, Devlin, Doherty, Eck, Emerson, Forrester, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Nelson, Toews, Van Valkenburg, Waterman, Wilson.
Total 25

Nays: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Estrada, Foster, Harp, Hertel, Holden, Keating, Mesaros, Miller, Mohl, Pipinich, Sprague, Stang, Swysgood, Tveit, Weldon, Mr. President.
Total 25

Paired: Doherty, Aye; Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 163 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 182 passed as follows:

Yeas: Baer, Bartlett, Beck, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Estrada, Forrester, Franklin, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jergeson, Klampe, Lynch, Miller, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.

Total 38

Nays: Aklestad, Benedict, Emerson, Foster, Gage, Grosfield, Harp, Jenkins, Keating, Mesaros, Mohl.
Total 11

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 201 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Sprague, Stang, Toews, Tveit, Waterman, Mr. President.
Total 41

Nays: Brooke, Christiaens, Doherty, Halligan, Pipinich, Van Valkenburg, Weldon, Wilson.
Total 8

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 207 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Waterman, Weldon, Wilson, Mr. President.
Total 46

Nays: Bishop, Brooke, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 208 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore,

Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 217 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 221 passed as follows:

Yeas: Bartlett, Beck, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 34

Nays: Aklestad, Baer, Benedict, Bishop, Brooke, Burnett, Devlin, Emerson, Estrada, Holden, Jabs, Jenkins, Sprague, Stang, Toews.
Total 15

Absent or not voting: None.
Total 0

Excused: Swysgood.

Total 1

SB 222 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 243 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 268 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 47

Nays: Estrada, Nelson.
Total 2

Absent or not voting: None.
Total 0

Excused: Swysgood.
Total 1

SB 284 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Franklin, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 42

Nays: Brooke, Doherty, Eck, Foster, Halligan, Jergeson, Tveit, Weldon.
Total 8

Paired: Swysgood, Aye; Foster, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 289 passed as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 46

Nays: Aklestad, Jenkins, Mohl, Swysgood.
Total 4

Paired: Beck, Aye; Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 297 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Franklin, Gage, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Klampe,

Mesaros, Miller, Mohl, Nelson, Pipinich, Stang, Toews, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 37

Nays: Burnett, Devlin, Estrada, Foster, Harding, Harp, Jacobson, Jenkins, Lynch, Sprague, Tveit.
Total 11

Absent or not voting: Emerson.
Total 1

Excused: Swysgood.
Total 1

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stang in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Wilson excused at this time.

SB 147 - Senator Cole moved SB 147, second reading copy, be amended as follows:

1. Page 2, line 27.
Following: "."
Insert: "The department may not increase a lease fee for a current lessee more than 2% a year during any period of 10 consecutive years."

Motion carried unanimously.

Senator Hertel moved SB 147, as amended, do pass. Motion carried unanimously.

SB 167 - Senator Benedict moved SB 167, second reading copy, be amended as follows:

1. Page 8, line 1.
Strike: "the governor"

2. Page 8, line 2.
Strike: "AND"

3. Page 8, line 14.
Strike: "this section"
Insert: "[section 5]"

Motion carried unanimously.

Senator Benedict moved SB 167, as amended, do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Waterman, Weldon, Mr. President.
Total 41

Nays: Bartlett, Brooke, Christiaens, Doherty, Franklin, Halligan, Van Valkenburg.
Total 7

Absent or not voting: None.
Total 0

Excused: Swysgood, Wilson.
Total 2

SB 231 - Senator Mesaros moved SB 231 do pass. Motion carried unanimously.

SB 238 - Senator Van Valkenburg moved SB 238 do pass. Motion carried unanimously.

SB 250 - Senator L. Nelson moved SB 250 do pass. Motion carried unanimously.

SB 259 - Senator Hargrove moved SB 259 do pass. Motion carried unanimously.

Senator Mesaros excused at this time.

SB 260 - Senator Pipinich moved SB 260 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Benedict, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Forrester, Foster, Franklin, Halligan, Hargrove, Harp, Hertel, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 31

Nays: Aklestad, Baer, Bishop, Crismore, Devlin, Emerson, Estrada, Gage, Grosfield, Harding, Holden, Miller, Mohl, Toews, Tveit.
Total 15

Absent or not voting: Burnett.
Total 1

Excused: Mesaros, Swysgood, Wilson.
Total 3

SB 271 - Senator Harp moved that SB 271 be placed at the bottom of the second reading board. Motion carried.

SB 286 - Senator Franklin moved SB 286 do pass. Motion carried unanimously.

SB 291 - Senator Gage moved SB 291 do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Cole, Crippen, Crismore, Emerson, Estrada, Gage, Grosfield, Harding, Hargrove, Harp, Holden, Jabs, Jenkins, Keating, Klampe, Miller, Mohl, Sprague, Toews.
Total 23

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Foster, Franklin, Halligan, Hertel, Jacobson, Jergeson, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 21

Absent or not voting: Burnett, Devlin, Tveit.
Total 3

Excused: Mesaros, Swysgood, Wilson.
Total 3

SB 302 - Senator Jabs moved SB 302 do pass. Motion carried unanimously.

SB 319 - Senator Hertel moved SB 319 do pass. Motion carried unanimously.

SB 271 - Senator Beck moved that consideration of SB 271 be passed for the day. Motion carried.

SJR 6 - Senator Brown moved that consideration of SJR 6 be passed for the day. Motion carried.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair.

SB 260 - Senator Aklestad moved that SB 260 be segregated from the Committee of the Whole report. Motion passed as follows:

Yeas: Aklestad, Benedict, Bishop, Christiaens, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Harp, Hertel, Holden, Keating, Klampe, Miller, Mohl, Toews, Tveit, Weldon, Mr. President.
Total 25

Nays: Baer, Bartlett, Beck, Brooke, Doherty, Eck, Forrester, Franklin, Halligan, Hargrove, Jabs, Jacobson, Jenkins, Jergeson, Lynch, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman.
Total 21

Absent or not voting: Burnett.
Total 1

Excused: Mesaros, Swysgood, Wilson.
Total 3

Chairman Stang moved that the Committee of the Whole report, as amended, be adopted. Report adopted.

MOTIONS

SB 260 - Senator Harp moved SB 260 be taken from second reading and rereferred to the Committee on Taxation. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Miller, Mohl, Toews, Tveit, Mr. President.
Total 27

Nays: Bartlett, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Halligan, Jacobson, Jergeson, Klampe, Lynch, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon.
Total 19

Absent or not voting: Burnett.
Total 1

Excused: Mesaros, Swysgood, Wilson.
Total 3

SB 289 - Senator Harding moved she be allowed to change her vote on SB 289, third reading, from nay to aye. Motion carried unanimously.

Senator Estrada moved she be allowed to change her vote on SB 289, third reading, from nay to aye. Motion carried unanimously.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 3:00 p.m., Monday, February 13, 1995. Motion carried.

Senate adjourned at 11:40 a.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 13, 1995

Senate Chambers
State Capitol

Senate convened at 3:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journals for the thirty-fifth and thirty-sixth legislative days, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): February 13, 1995
Correctly printed: SB 85, SB 118, SB 145, SB 264, SB 288.
Correctly engrossed: SB 147, SB 167, SB 231, SB 238, SB 250, SB 259, SB 286, SB 291, SB 302, SB 319.
Correctly enrolled: SB 52.
Examined by the sponsor and found to be correct: SB 52.
Signed by the Secretary of the Senate at 4:20 p.m., February 13, 1995: SB 52.
Signed by the President at 4:20 p.m., February 13, 1995: SB 52.
Delivered to the Secretary of State at 9:45 a.m., February 13, 1995: SJR 2.

AGRICULTURE, LIVESTOCK & IRRIGATION (Swysgood, Chairman): February 13, 1995
SB 144, introduced bill, be amended as follows:

1. Page 1, lines 18 through 22.
Strike: ""Domestic"" on line 18 through "(3)" on line 22

2. Page 2, line 4.
Strike: "for domestic use"

3. Page 2, line 8.
Following: "1994."
Insert: "The total flow rates for all permits issued under this subsection (2)(b) may not exceed 10 cubic feet per second."

4. Page 21, line 5.
Following: "rights"
Insert: ", permits, and water reservations"

And, as amended, do pass. Report adopted.

EDUCATION (Toews, Chairman): February 10, 1995
SB 232, introduced bill, be amended as follows:

1. Title, line 17.
Following: "SECTIONS"
Insert: "20-1-301, 20-1-302,"
Following: "20-1-304,
Insert: "20-1-308,

2. Title, line 18.
Following: "20-7-705,"
Insert: "20-9-311,"

3. Page 1, line 23.
Insert: "**Section 4.** Section 20-1-301, MCA, is amended to read:

"**20-1-301. School fiscal year.** The school fiscal year shall begin on July 1 and end on June 30. At least 180 school days of pupil instruction ~~shall~~ must be conducted during each school fiscal year, except that 175 days of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313, ~~or unless a variance for kindergarten has been granted under 20-1-302 or~~ unless a district is granted a variance under the provisions of chapter 9, part 8, of this title. For any elementary or high school district that fails to provide for at least 180 school days of pupil instruction, the superintendent of public instruction shall reduce the county equalization as defined in 20-9-334 and the state equalization as defined in 20-9-343 for the district for that school year by 1/90th for each school day less than 180 school days."

Section 2. Section 20-1-302, MCA, is amended to read:

"**20-1-302. School day ~~and week~~.** Subject to 20-1-308, a school day of pupil instruction ~~shall~~ must be ~~at least~~ an average of 2 hours for kindergartens and all other preschool programs~~, unless a variance has been granted by the superintendent of public instruction in accordance with the policies of the board of public education~~, at least an average of 4 hours for grades 1 through 3, and at least an average of 6 hours for grades 4 through 12. ~~The number of hours in any one school day for grades 4 through 12 may be reduced by 1 hour if the total number of hours in the school week is not less than 30 hours. The number of hours in a school week may be reduced, in an emergency, with the approval of the board of public education.~~""
Renumber: subsequent sections

4. Page 2, line 8.
Insert: "**Section 5.** Section 20-1-308, MCA, is amended to read:

"**20-1-308. Religious instruction released time program.** (1) The trustees of an elementary or high school district may provide for a religious instruction released time program under which a pupil may be released from regular school attendance for a period not to exceed 2 hours per week for the purpose of receiving religious instruction upon written request, renewed at least annually, of the pupil's parent or guardian.

(2) No religious instruction released time program may be established or administered in such a way that public school property is utilized for the purpose of religious instruction.

(3) No public ~~moneys~~ money may be used, directly or indirectly, for such religious instruction.

(4) Any period for which a pupil is released under a religious instruction released time program is part of the school day ~~and week~~ for purposes of 20-1-301, 20-1-302, 20-5-103, 20-9-311, and all other provisions of Title 20, and ~~such~~ the release may not adversely affect the pupil's attendance record.""
Renumber: subsequent sections

5. Page 2, line 30.
Following: "standards"
Strike: "or"
Insert: "and"

6. Page 5, line 19.
Following: line 18
Insert: "(30) withhold state and federal special education money for failure to comply with minimum federal standards for special education;"

Renumber: subsequent subsections

7. Page 10, line 12.
Insert: " **Section 13.** Section 20-9-311, MCA, is amended to read:

"**20-9-311. Calculation of average number belonging (ANB).** (1) Average number belonging (ANB) must be computed as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the nearest school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of the pupil-instruction and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than 180 school days under 20-9-804, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) Enrollment for a part of a morning session or a part of an afternoon session by a pupil must be counted as enrollment for one-half day.

(5) In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment at a regular session of the program for at least 2 hours of either a morning or an afternoon session must be counted as one-half pupil for ANB purposes. If a variance has been granted as provided in 20-1-302, ANB must be computed in a manner prescribed by the superintendent of public instruction, but the ANB for a kindergarten student may not exceed one-half for each kindergarten pupil.

(6) When any pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and no incorporated territory is involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated

separately from the other schools of the district; or

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(b) a junior high school has been approved ~~and accredited~~ by the board of public education as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes; or

(c) a middle school has been approved ~~and accredited~~ by the board of public education, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes~~; or~~

~~(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district~~.

(9) When 11th or 12th grade students are regularly enrolled on a part-time basis, high schools may calculate the ANB to include an "equivalent ANB" for those students. The method for calculating an equivalent ANB must be determined in a manner prescribed by the superintendent of public instruction.

(10) For average daily attendance reporting purposes, districts shall provide the superintendent of public instruction with annual reports of school attendance for regularly enrolled students and special education students, using a format determined by the superintendent.""

Renumber: subsequent sections

8. Page 12, line 17."
Following: "standards"
Insert: "but shall withhold state and federal special education money for failure to comply with the minimum federal standards for special education"

And, as amended, do pass. Report adopted.

SJR 11, introduced bill, be amended as follows:

1. Page 1, lines 25 and 26.
Following: "high school" on line 25
Strike: remainder of line 25 through "in" on line 26
Insert: "students who drop out of school or who have insufficient credits to graduate within 4 years from

2. Page 2, line 17.
Following: "Instruction,"
Insert: "the Board of Public Education, the units of the Montana University System through the Commissioner of Higher Education,"

And, as amended, do pass. Report adopted.

HB 229, be amended as follows:

1. Title, line 8.
Following: second "EDUCATION"
Strike: "ADVISORY"
Following: COMMISSION;
Insert: "PROVIDING TRANSITIONAL INSTRUCTIONS;".

2. Title, line 9.
Following: "PROVIDING"
Strike: "A DELAYED"
Insert: "AN IMMEDIATE"
Following: first "DATE"
Strike: "AND AN APPLICABILITY DATE"

3. Page 1, line 14.
Following: "**education**"
Strike: "**advisory**"

4. Page 1, line 20.
Following: "education"
Strike: "advisory"
Following: "appointed"
Insert: "by the governor and confirmed by the senate"

5. Page 1, line 21.
Following: "staggered"
Strike: ", 7-year"
Following: "terms"
Strike: "by the governor"
Insert: ", as provided by law"

6. Page 1, lines 21 and 22.
Following: "shall" on line 21
Strike: remainder of line 21 through "education" on line 22
Insert: "have duties assigned by law"

7. Page 2, line 9.
Following: "governor"
Strike: ", commissioner of higher education"

8. Page 2, line 12.
Strike: "-- **applicability**"

9. Page 2, lines 13 and 14.
Following: "approval" on line 13
Strike: remainder of line 13 through "2001" on line 14

10. Page 2, line 15.
Insert: "NEW SECTION. **Section 3. Transition.** Upon passage and approval, the governor may create a

department of education and the state education commission as provided in Article X, section 9. The department and the commission may exercise statutorily assigned duties. The board of regents and the commissioner of higher education shall continue to perform duties that were constitutionally assigned until January 1, 2001. The terms of office and appointments to the board of regents remain in effect until January 1, 2001."

Renumber: subsequent section

11. Page 2, line 20.
Strike: "advisory"

12. Page 2, line 22.
Strike: "advisory"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Crippen, Chairman): February 13, 1995

SB 189, introduced bill, be amended as follows:

1. Title, line 10.
Following: "LICENSE"
Insert: "OF A TRIBAL MEMBER"
Following: "SEIZED"
Insert: "UNDER AUTHORITY OF A TRIBAL GOVERNMENT OR"
Following: ";"
Insert: "AUTHORIZING THE DEPARTMENT TO RECOGNIZE A TRIBAL COURT ORDER SUSPENDING, REVOKING, OR REINSTATING THE DRIVER'S LICENSE OF A TRIBAL MEMBER PURSUANT TO TRIBAL LAW OR REGULATION REQUIRING ALCOHOL OR DRUG TESTING OF MOTOR VEHICLE OPERATORS;"

2. Page 2, lines 22 through 28.
Strike: subsection (7) in its entirety
Insert: "(7) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state."

And, as amended, do pass. Report adopted.

SB 233, introduced bill, be amended as follows:

1. Title, lines 4 and 5.
Following: ""AN ACT" on line 4
Strike: remainder of line 4 through "FEES;" on line 5

2. Page 1, line 19 through page 2, line 19.
Strike: subsections (2) through (7) in their entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 249, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: ";" on line 5
Strike: remainder of line 5 through ";" on line 6
Insert: "TRANSFERRING CERTAIN FUNCTIONS TO THE SUPREME COURT ADMINISTRATOR;"
Following: "2-16-505,"
Insert: "3-1-202, 3-1-1007, 3-2-304, 3-2-402, 3-2-403,"

2. Title, line 7.
Strike: the first "AND"
Following: "13-16-504,"
Insert: "19-5-404, 27-26-303, 27-28-207, 37-61-205, 37-61-206, 37-61-209, 37-61-211, 37-61-212, 37-61-213, 39-30-103, 46-18-604, 46-18-901, AND 46-20-706,"

3. Page 1, lines 12 through 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 17.
Insert: " Section 4. Section 3-1-202, MCA, is amended to read:

"**3-1-202. Seal of supreme court.** The seal of the supreme court is circular in form and not less than 1 3/4 inches in diameter, on which are engraved the words "Supreme Court, State of Montana", with the word "Seal" in the center ~~thereof~~ of the words~~;~~. ~~which~~ The seal must be procured by the ~~clerk of the~~ supreme court at the expense of the state~~;~~, and an impression ~~thereof~~ of the seal, certified to by the ~~clerk~~ court, must be filed with the secretary of state."

Section 5. Section 3-1-1007, MCA, is amended to read:

"**3-1-1007. Commission to make rules -- confidentiality of proceedings.** (1) The commission shall adopt and publish rules:

(a) for the conduct of its affairs and the format of reports filed under 3-1-1010;

(b) establishing a procedure for providing the public with notice of a vacancy within 10 days of receipt of the notice of the vacancy;

(c) establishing an application period of not less than 30 days from the date of public notice under subsection (1)(b) and the procedure for applying for a position; and

(d) establishing a reasonable period for reviewing applications and interviewing applicants that provides at least 30 days for public comment concerning applicants.

(2) A copy of the rules must be filed with the ~~clerk of the~~ supreme court.

(3) The total time from receipt of notice of a vacancy until a list of names is submitted to the governor or chief justice may not exceed 90 days.

(4) The proceedings of the commission and the related documents ~~shall~~ must be open to the public except when the demands of individual privacy clearly exceed the merits of public disclosure."

Section 6. Section 3-2-304, MCA, is amended to read:

"**3-2-304. Physical facilities.** (1) If proper rooms in which to hold the court and for the accommodation of the officers ~~thereof~~ of the court are not provided by the state, together with attendants, furniture, fuel, lights,

and stationery, suitable and sufficient for the transaction of business, the court or a majority ~~thereof~~ of the court may direct ~~the clerk of~~ the supreme court administrator to provide ~~such~~ the rooms, attendants, furniture, lights, fuel, and stationery.

(2) The expenses ~~thereof~~ referred to in subsection (1), certified by any two justices to be correct, must be paid only out of ~~the state treasury only out of~~ funds in the state treasury appropriated to the supreme court."

Section 7. Section 3-2-402, MCA, is amended to read:

"**3-2-402. Duties.** It is the duty of the ~~clerk~~ supreme court administrator to:

(1) keep the seal of the supreme court, its records and files, and the roll of attorneys and counselors at law;

(2) adjourn the court from day to day at the beginning of any term in the absence of any justice and until the arrival of a majority of the justices;

(3) file all papers or transcripts required by law to be filed;

(4) issue writs and certificates and approve bonds or undertakings when ~~so~~ required;

(5) make out all transcripts to the supreme court of the United States;

(6) make copies of papers or records when demanded by law or the rules of the court; and

(7) perform ~~such~~ other duties as may be required ~~of him~~ by law and the rules and practice of the supreme court."

Section 8. Section 3-2-403, MCA, is amended to read:

"**3-2-403. Fees.** The ~~clerk~~ supreme court administrator ~~must~~ shall collect the following fees:

(1) for filing the transcript on appeal in any civil case appealed to the supreme court, $75 payable by the appellant as payment in full for all services rendered in the case up to the remittitur to the court below;

(2) for filing a petition for any writ, $75, as payment in full for all services rendered in the cause;

(3) for a certificate of good standing as an attorney, $5;

(4) for preparing copies of documents on file, 15 cents per page;

(5) for each certified copy under seal, $1.""

Renumber: subsequent sections

5. Page 4, line 12.

Insert: "**Section 11.** Section 19-5-404, MCA, is amended to read:

"**19-5-404. Contributions by state.** (1) The state of Montana shall contribute monthly to the pension trust fund a sum equal to 6% of the compensation of each member. In addition, the clerk of each district court shall transmit 68% of certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201(4) and (6) to the state, which shall first deposit in the pension trust fund an amount equal to 34.71% of the total compensation paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The ~~clerk of the~~ supreme court administrator shall pay one-fourth of the fees collected under 3-2-403 to the division to be credited to the pension trust fund.

(2) The state of Montana shall contribute monthly from the renewable resource grant and loan program account in the state special revenue fund to the judges' pension trust fund an amount equal to 34.71% of the compensation paid to the chief water court judge."

Section 12. Section 27-26-303, MCA, is amended to read:

"**27-26-303. Jury trial.** (1) If an answer is made ~~which~~ that raises a question as to a matter of fact essential to the determination of the motion and affecting the substantial rights of the parties, and upon the supposed truth of the allegation of which the application for the writ is based, the court or judge may~~, in its or his discretion,~~ order the question to be tried before a jury and postpone the argument until the trial can be ~~had~~ held. The question

to be tried must be distinctly stated in the order for trial. The order may also direct the jury to assess any damages ~~which~~ that the applicant may have sustained if it finds for ~~him~~ the applicant.

(2) If the proceeding is in the district court or before a district judge, the trial must take place as in other cases. If a jury is required in the supreme court, a jury must be drawn and selected from the jury box of Lewis and Clark County and the clerk of the district court of that county shall place the box in the custody of the ~~clerk of the~~ supreme court for that purpose. The conduct of the trial must be the same as in the district court, and the ~~clerk of the~~ supreme court administrator has the same authority to issue process and enter orders and judgments as the district court clerk has in ~~like~~ similar cases."

Section 13. Section 27-28-207, MCA, is amended to read:

"**27-28-207. Procedure when action brought in supreme court.** Actions under this chapter commenced in the supreme court must be conducted in the same manner as if commenced in the district court, and the ~~clerk of the~~ supreme court administrator has the same authority to issue summons and other process and to enter orders and judgments as the clerk of the district court has in ~~like~~ similar cases. All pleadings and the conduct of the trial must be the same as in the district court. If a jury is required to determine an issue of fact, a jury must be drawn and selected from the jury box of Lewis and Clark County and the clerk of the district court of that county shall place the jury box in the custody of the ~~clerk of the~~ supreme court for that purpose."

Section 14. Section 37-61-205, MCA, is amended to read:

"**37-61-205. Application and examination fees.** (1) ~~Every~~ Each applicant for admission to the bar shall pay to the state bar of Montana, at the time the applicant files an application for admission to the bar, an application fee commensurate with the cost of processing the application as determined by the supreme court.

(2) In addition to the fee provided for in subsection (1), the supreme court may charge an examination fee commensurate with the cost of administering the bar examination. The examination fee must be paid to the ~~clerk of the~~ supreme court administrator when the applicant files the application for admission to the bar.

(3) All money collected and spent from fees provided for in subsection (1) must be accounted for annually in a report by the state bar of Montana to the supreme court. The report must provide details of fees collected and categories of expenditures for processing applications and must be in a form satisfactory to the supreme court. All money collected from fees provided for in subsection (2) must be deposited ~~with the state treasurer by the clerk of the supreme court and placed~~ in the state general fund."

Section 15. Section 37-61-206, MCA, is amended to read:

"**37-61-206. Certificate of admission and license.** If upon examination ~~he~~ an applicant is found to be qualified, the supreme court ~~must~~ shall admit ~~him~~ the applicant as an attorney and counselor in all the courts of this state and ~~must~~ shall direct an order to be entered to that effect upon its records~~,~~. ~~and~~ The court shall direct that a certificate of ~~such~~ the record be given to ~~him~~ the applicant by the ~~clerk of the~~ supreme court administrator~~,~~. ~~which~~ The certificate is ~~his~~ the license."

Section 16. Section 37-61-209, MCA, is amended to read:

"**37-61-209. Roll of attorneys.** The ~~clerk of the~~ supreme court administrator ~~must~~ shall keep a roll of the attorneys and counselors admitted to practice~~,~~. ~~which~~ The roll must be signed by the person admitted before ~~he~~ the person receives ~~his~~ a license."

Section 17. Section 37-61-211, MCA, is amended to read:

"**37-61-211. Annual license tax -- municipal tax prohibited.** (1) ~~Every~~ Each attorney or counselor at law admitted by the supreme court of the state to practice ~~his profession~~ within the state is required to pay a license tax of $25 a year. The tax is payable to and collected by the ~~clerk of the~~ supreme court administrator on or before April 1 of each year.

(2) Upon the payment of the tax, the ~~clerk~~ administrator shall issue and deliver a certificate to the person paying the tax, certifying to the payment of the license tax and stating the period covered by the payment.

(3) A license tax may not be imposed upon attorneys by a municipality or any other subdivision of the state."

Section 18. Section 37-61-212, MCA, is amended to read:

"**37-61-212. Collection of delinquent license tax.** If any practicing attorney or counselor at law ~~shall fail, neglect, or refuse~~ fails, neglects, or refuses to pay to the ~~clerk of the~~ supreme court administrator the license tax imposed by this chapter for a period of 30 days after the ~~same~~ tax is due and payable, ~~it shall be the duty of~~ the ~~clerk of the~~ supreme court administrator shall ~~to~~ take ~~such~~ action for the collection of the ~~same~~ tax. ~~as is~~ The action must be the same as required of the county treasurer in cases of nonpayment of other ~~licenses~~ license taxes, as provided by 7-21-2116, and the provisions of 7-21-2115 through 7-21-2117 ~~shall~~ control in ~~said~~ the proceedings ~~so~~ as far as ~~the same~~ they are applicable ~~thereto~~."

Section 19. Section 37-61-213, MCA, is amended to read:

"**37-61-213. Disposition of license tax.** All ~~moneys so~~ money collected from license taxes during any month ~~shall~~ must, on or before the first day of the succeeding month, be delivered to and deposited with the state treasurer ~~by the clerk of the supreme court,. and the~~ The state treasurer shall deposit ~~such moneys~~ the money in the general fund."

Section 20. Section 39-30-103, MCA, is amended to read:

"**39-30-103. Definitions.** For the purposes of this chapter, the following definitions apply:

(1) "Eligible spouse" means the spouse of a handicapped person who is determined by the department of social and rehabilitation services to have a 100% disability and who is unable to use ~~his~~ the employment preference because of ~~his~~ the person's disability.

(2) "Handicapped person" means an individual certified by the department of social and rehabilitation services to have a physical or mental impairment that substantially limits one or more major life activities, such as writing, seeing, hearing, speaking, or mobility, and that limits the individual's ability to obtain, retain, or advance in employment.

(3) (a) "Initial hiring" means a personnel action for which applications are solicited from outside the ranks of the current employees of:

(i) a department, as defined in 2-15-102, for a position within the executive branch;

(ii) a legislative agency, such as the consumer counsel, environmental quality council, office of the legislative auditor, legislative council, or office of the legislative fiscal analyst, for a position within the legislative branch;

(iii) a judicial agency, such as the office of supreme court administrator, ~~office of supreme court clerk,~~ state law library, or similar office in a state district court for a position within the judicial branch;

(iv) a city or town for a municipal position, including a city or municipal court position; and

(v) a county for a county position, including a justice's court position.

(b) A personnel action limited to current employees of a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), current employees in a reduction-in-force pool who have been laid off from a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), or current participants in a federally authorized employment program is not an initial hiring.

(4) (a) "Mental impairment" means:

(i) suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

(ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or

volitional functions.

(b) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

(5) "Position" means a permanent or seasonal position as defined in 2-18-101 for a state position or a similar permanent or seasonal position with a public employer other than the state. However, the term does not include:

(a) a temporary position as defined in 2-18-101 for a state position or similar temporary position with a public employer other than the state;

(b) a state or local elected official;

(c) employment as an elected official's immediate secretary, legal advisor, court reporter, or administrative, legislative, or other immediate or first-line aide;

(d) appointment by an elected official to a body such as a board, commission, committee, or council;

(e) appointment by an elected official to a public office if the appointment is provided for by law;

(f) a department head appointment by the governor or an executive department head appointment by a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local government; or

(g) engagement as an independent contractor or employment by an independent contractor.

(6) (a) "Public employer" means:

(i) any department, office, board, bureau, commission, agency, or other instrumentality of the executive, judicial, or legislative branch of the government of the state of Montana; and

(ii) any county, city, or town.

(b) The term does not include a school district, a vocational-technical center or program, a community college, the board of regents of higher education, the Montana university system, a special purpose district, an authority, or any political subdivision of the state other than a county, city, or town.

(7) "Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."

Section 21. Section 46-18-604, MCA, is amended to read:

"**46-18-604. Transmittal of sentencing data to supreme court -- compilation.** (1) Except as provided in subsection (2), the clerk of district court shall record on forms provided by the ~~clerk of the~~ supreme court administrator the following sentencing data for each defendant sentenced:

(a) the name of the case;

(b) whether the conviction was by verdict or plea;

(c) the fine or imprisonment, or both, allowed by law;

(d) the actual fine or imprisonment, or both, imposed;

(e) the percentage of fine or imprisonment, or both, allowed by law that is actually imposed;

(f) the amount of fine or number of years of imprisonment, or both, that are suspended; and

(g) the percentage of fine or imprisonment, or both, imposed that is suspended.

(2) Whenever a sentence of death or of life imprisonment is allowed by law, this fact must be shown in the report, together with the case name and the actual sentence imposed.

(3) The clerk of district court shall report the names of the cases in which sentencing was deferred.

(4) The clerk of district court shall report the reasons given by the judge for the disposition of every case by attaching an extract of that portion of the judgment setting forth the basis for the sentence.

(5) The sentencing judge shall sign the form containing the information recorded by the clerk of district court pursuant to this section.

(6) The clerk of district court shall, on a quarterly basis, total for each judge the data recorded pursuant

to subsections (1) and (2), sign the report, and forward ~~all such~~ the data to the ~~clerk of the~~ supreme court administrator.

(7) The ~~clerk of the~~ supreme court administrator shall compile the reports submitted by the district court clerks and distribute the data to all district court clerks and any interested party on April 1 of each year.

(8) The ~~clerk of the~~ supreme court administrator shall provide a form for the recording of data required by this section."

Section 22. Section 46-18-901, MCA, is amended to read:

"**46-18-901. Review division of the supreme court for review of sentences.** (1) The chief justice of the supreme court of Montana shall appoint three district court judges to act as a review division of the supreme court and shall designate one of ~~such~~ the judges to act as ~~chairman thereof~~ presiding judge. The ~~clerk of the Montana~~ supreme court administrator shall record ~~such appointment~~ the appointments and ~~shall~~ give notice ~~thereof~~ of the appointments to the clerk of every district court.

(2) This review division shall meet at least four times a year or more as its business requires, as determined by the ~~chairman~~ presiding judge. The review division shall hold its meetings at Deer Lodge.

(3) The decision of any two of ~~such~~ the judges ~~shall be~~ is sufficient to determine any matter before the review division.

(4) The review division may adopt any rules ~~which~~ that will expedite its review of sentences. The division ~~is also authorized to~~ may appoint a secretary and ~~such~~ clerical help as it ~~deems~~ considers adequate and fix their compensation."

Section 23. Section 46-20-706, MCA, is amended to read:

"**46-20-706. Termination of appeal -- remand.** (1) Upon termination of the appeal, the supreme court shall remand the cause with proper instruction, together with the opinion of the court. The ~~clerk~~ court shall return all original documents to the trial court.

(2) After the cause has been remanded to the trial court, the appellate court has no further jurisdiction of the appeal or the proceedings ~~thereon~~ and all orders necessary to carry the judgment into effect must be made by the court to which the cause is remanded.""

Renumber: subsequent sections

6. Page 4, lines 15 through 17.
Strike: section 8 in its entirety
Insert: "NEW SECTION. **Section 25. Restriction on candidacy for office of clerk of supreme court.** The secretary of state may not accept declarations for nomination for the office of clerk of the supreme court in the year 2000."
Renumber: subsequent section

7. Page 4, line 19.
Strike: "1996"
Insert: "2001"

And, as amended, do pass. Report adopted.

SB 266, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"

Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

2. Page 1, line 21.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

3. Page 2, line 7.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"
Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

4. Page 2, line 12.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

And, as amended, do pass. Report adopted.

SB 353, introduced bill, be amended as follows:

1. Page 2, line 29.
Following: "trial"
Insert: "or duties performed under 3-5-113(2)(a)"

And, as amended, do pass. Report adopted.

SJR 12, introduced bill, be amended as follows:

1. Title, line 5.
Following: "CONGRESS"
Strike: "AND THE FEDERAL JUDICIARY"
Following: "TO"
Strike: "REFORM THE NUMBER OF"
Insert: "SET REASONABLE TIME LIMITS ON AND LIMIT SUCCESSIVE"

2. Title, line 6.
Following: line 5
Strike: "FOR REVIEW AND APPLICATIONS"
Following: "FOR"
Insert: "FEDERAL"
Following: "CORPUS"
Strike: "IN DEATH PENALTY CASES"

3. Page 1, line 21.
Following: "Congress"

Strike: "and the federal judiciary"

4. Page 1, lines 22 and 23.
Strike: subsection (1) in its entirety

5. Page 1, line 24.
Strike: "(2)"
Insert: "(1)"
Following: first "on"
Insert: "the filing of initial and successive"
Following: first "for"
Strike: "review and on applications for"

6. Page 1, line 25.
Following: line 24
Strike: line 25 in its entirety
Insert: "brought pursuant to 28 U.S.C. 2254; and

(2) limit the filing of successive habeas corpus petitions to those instances in which the petitioner is able to demonstrate a probability of actual innocence."

And, as amended, do pass. Report adopted.

RULES (Harp, Chairman): February 13, 1995
SB 132, introduced bill, be amended as follows:

1. Title, line 19.
Following: "72-16-301,"
Insert: "72-16-308,"

2. Page 2, line 21.
Strike: "an insurance or annuity policy,"
Following: "designation"
Strike: ","

3. Page 2, line 22.
Following: ";"
Insert: "or"

4. Page 2, line 23.
Strike: line 23 in its entirety
Renumber: subsequent subsection

5. Page 2, lines 26 and 27.
Following: "donee" on line 26
Strike: remainder of line 26 through "appointment" on line 27

6. Page 2, line 30.
Strike: "an insurance or annuity policy,"

Following: "designation"
Strike: ","

7. Page 3, line 1.
Following: ";"
Insert: "or"

8. Page 3, line 2.
Strike: line 2 in its entirety
Renumber: subsequent subsection

9. Page 11, line 10.
Strike: "other"
Insert: "others"

10. Page 11, line 30.
Following: ";"
Insert: "or"

11. Page 12, line 4.
Strike: "or"

12. Page 12, lines 5 through 14.
Strike: subsection (D) in its entirety

13. Page 13, line 11.
Following: ";"
Insert: "or"

14. Page 13, lines 12 through 16.
Strike: subsection (B) in its entirety
Renumber: subsequent subsection

15. Page 14, line 5.
Strike: "and"

16. Page 14, line 6.
Following: line 5
Insert: "(iii) proceeds of insurance, including accidental death benefits, on the life of the decedent if the decedent owned the insurance policy immediately before death or if and to the extent that the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds; the amount included is the value of the proceeds, to the extent that they were payable at the decedent's death; and"
Renumber: subsequent subsection

17. Page 14, lines 28 through 30.
Strike: line 28 through "." on line 30

18. Page 15, line 6.

Strike: "or"

19. Page 15, line 8.
Following: "spouse"
Insert: "; or (c) if the property is life insurance, accident insurance, pension, profit-sharing, retirement, and other benefit plans payable to persons other than the decedent's surviving spouse or the decedent's estate"

20. Page 19, line 13.
Strike: "good faith"

21. Page 19, line 16.
Following: "liable"
Insert: "only"
Following: "for"
Strike: remainder of line 16

22. Page 19, line 17.
Following: "taken"
Insert: "2 or more business days"

23. Page 19, line 18.
Following: "."
Insert: "The written notice must indicate the name of the decedent, the date of the decedent's death, the name of the person asserting an interest, the nature of the payment or item of property or other benefit, and a statement that the spouse intends to file a petition for the elective share or that a petition for the elective share has been filed. Any form of service of notice other than that described in subsection (2) is not sufficient to impose liability on a payor or other third party for actions taken pursuant to the governing instrument."

24. Page 19, lines 19 and 20.
Following: "notice" on line 19
Strike: remainder of line 19 through "filed" on line 20

25. Page 19, line 22.
Following: "."
Insert: "Notice to a sales representative of the payor or other third party does not constitute notice to the payor or other third party."

26. Page 19, line 27.
Following: "."
Insert: "The availability of an action under this section does not prevent the payor or other third party from taking any other action authorized by law or the governing instrument. If probate proceedings have not been commenced, the payor or other third party shall file with the court a copy of the written notice received by the payor or other third party, with the payment of funds or transfer or deposit of property. The court may not charge a filing fee to the payor or other third party for the payment, transfer, or deposit."

27. Page 20, line 1.
Following: "."
Insert: "A filing fee, if any, may, in the discretion of the court, be charged upon disbursement either to the recipient

or against the funds or property on deposit with the court."

28. Page 20, line 2.
Following: "claims"
Insert: "under the governing instrument or applicable law"

29. Page 21, line 30.
Strike: "(C)"
Insert: "(B)"

30. Page 38, line 30.
Following: "decedent,"
Insert: "then"

31. Page 39, line 11.
Following: "instrument,"
Insert: "then"

32. Page 41, line 20.
Following: "."
Insert: "A payor or other third party does not have a duty or obligation to make any determination as to whether the decedent was a victim of a homicide or to seek any evidence with respect to a homicide even if the circumstances of the decedent's death are suspicious or questionable as to the beneficiary's participation in a homicide."

33. Page 41, line 21.
Following: "is"
Insert: "only"
Following: "for"
Strike: "a payment made or other action"
Insert: "actions"
Following: "taken"
Insert: "2 or more business days"
Following: "after"
Insert: "the actual receipt by"

34. Page 41, line 22.
Strike: "received"

Insert: "of"
Following: "notice"
Strike: remainder of line 22 through "section"
Following: "."
Insert: "The payor or other third party may be liable for actions taken pursuant to the governing instrument only if the form of the service is that described in subsection (8)(b)."

35. Page 41, line 23.
Following: "(b)"
Insert: "The written notice must indicate the name of the decedent, the name of the person asserting an interest, the

nature of the payment or item of property or other benefit, and a statement that a claim of forfeiture or revocation is being made under this section."

36. Page 41, line 25.
Following: "."
Insert: "Notice to a sales representative of the payor or other third party does not constitute notice to the payor or other third party."

37. Page 41, line 30.
Following: "."
Insert: "In addition to the actions available under this section, the payor or other third party may take any action authorized by law or the governing instrument. If probate proceedings have not been commenced, the payor or other third party shall file with the court a copy of the written notice received by the payor or other third party, with the payment of funds or transfer or deposit of property. The court may not charge a filing fee to the payor or other third party for the payment to the court of amounts owed or transferred to or deposited with the court or any item of property."

38. Page 42, line 1.
Following: "."
Insert: "A filing fee, if any, may be charged upon disbursement either to the recipient or against the funds or property on deposit with the court, in the discretion of the court."

39. Page 42, line 4.
Following: "A"
Strike: "person"
Insert: "bona fide purchaser"
Following: "property"
Strike: "for value and without notice"

40. Page 42, line 12.
Following: "law"
Insert: ", other than the federal Employee Retirement Income Security Act of 1974, as amended,"

41. Page 44, line 14.
Following: "."

Insert: "A payor or other third party does not have a duty or obligation to inquire as to the continued marital relationship between the decedent and a beneficiary or to seek any evidence with respect to a marital relationship."
Following: "is"
Insert: "only"
Following: "for"
Strike: "a payment made or other action"
Insert: "actions"

42. Page 44, lines 15 and 16
Following: line 14
Insert: "2 or more business days"
Following: "after" on line 15

Insert: "the actual receipt by"
Following: "party"
Strike: "received"
Insert: "of"
Following: "notice"
Strike: remainder of line 15 through "section" on line 16
Following: "."
Insert: "The payor or other third party may be liable for actions taken pursuant to the governing instrument only if the form of service is that described in subsection (7)(b)."

43. Page 44, line 17.
Following: "(b)"
Insert: "The written notice must indicate the name of the decedent, the name of the person asserting an interest, the nature of the payment or item of property or other benefit, and a statement that a dissolution, annulment, or remarriage of the decedent and the designated beneficiary occurred."

44. Page 44, line 24.
Following: "."
Insert: "In addition to the actions available under this section, the payor or other third party may take any action authorized by law or the governing instrument. If probate proceedings have not been commenced, the payor or other third party shall file with the court a copy of the written notice received by the payor or other third party, with the payment of funds or transfer or deposit of property. The court may not charge a filing fee to the payor or other third party for the payment to the court of amounts owed or transferred to or deposited with the court or any item of property."

45. Page 44, line 26.
Following: line 25
Insert: "A filing fee, if any, may, in the discretion of the court, be charged upon disbursement either to the recipient or against the funds or property on deposit with the court."

46. Page 44, line 28.
Following: "A"
Strike: "person"

Insert: "bona fide purchaser"

47. Page 44, line 29.
Strike: "for value and without notice"

48. Page 45, line 8.
Following: "law"
Insert: ", other than the federal Employee Retirement Income Security Act of 1974, as amended,"

49. Page 46, line 6.
Following: "provided"
Insert: "otherwise"

50. Page 54, line 16.

Insert: "**Section 33.** Section 72-16-308, MCA, is amended to read:

"**72-16-308. Tax to be on clear market value -- deductions allowed in determining value -- valuation of certain farm and business property.** (1) The tax ~~so~~ imposed ~~shall~~ must be upon the clear market value of ~~such~~ the property passing by ~~any such~~ transfer to each person, institution, association, corporation, or body politic at the rates ~~hereinafter~~ prescribed in this section and only upon the excess of the exemption ~~hereinafter~~ granted to ~~such~~ the person, institution, association, corporation, or body politic.

(2) In determining the clear market value of the property ~~so~~ passing by ~~any such~~ the transfer, the following deductions and no other ~~shall be~~ are allowed:

(a) debts of the decedent owing at the date of death, provided that any debt secured by decedent's joint interest in property and for which the decedent was jointly and severally liable is deductible only to the extent of one-half or other proper fraction representing decedent's share of the property;

(b) expenses of funeral and last illness;

(c) all Montana state, county, municipal, and federal taxes, including all penalties and interest ~~thereon~~, owing by decedent at the date of death;

(d) the ordinary expenses of administration, including:

(i) the commissions and fees of executors and administrators and their attorneys actually allowed and paid;

(ii) attorneys' fees, filing fees, necessary expenses, and closing costs incident to proceedings to terminate joint tenancies, termination of life estates and transfers in contemplation of death, and any and all other proceedings instituted for the determination of inheritance tax; ~~and~~

(e) federal estate taxes due or paid; and

(f) the annual gift exclusion provided in section 2503(b) of the Internal Revenue Code.

(3) In determining clear market value, the valuation of certain farm and other real property may be made under 72-16-331 through 72-16-342.""

Renumber: subsequent sections

51. Page 55, lines 13 and 14.
Strike: "35"
Insert: "36"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Harding, Chairman): February 13, 1995

SB 193, introduced bill, be amended as follows:

1. Title, lines 14 and 15.
Strike: "13-1-106" on line 14 through 20-20-204," on line 15

2. Page 35, line 27 through page 48, line 16.
Strike: sections 65 through 78 in their entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 295, introduced bill, be amended as follows:

1. Title, lines 4 through 7.
Strike: "CLARIFYING" on line 4 through "ACT" on line 7

Insert: "ESTABLISHING CRITERIA FOR THE ISSUANCE OF SPECIAL PARKING PERMITS; LIMITING THE USE OF SPECIAL PARKING PLACES"

2. Title, lines 8 through 11.
Strike: "ALLOWING" on line 8 through "DISABILITY;" on line 11

3. Title, line 11.
Strike: "49-4-303

4. Page 1, line 26.
Strike: "ability to walk"
Insert: "person's mobility

5. Page 1, lines 26 through 28.
Strike: second "licensed" on line 26 through "determination," on line 28

6. Page 2, line 11.
Following: "emissions"
Insert: "or from another disease or physical condition"

7. Page 2, line 12.
Strike: "ability to walk"
Insert: "person's mobility"
Strike: "or licensed physical therapist"

8. Page 4, lines 4 through 19.
Strike: section 3 in its entirety

Renumber: subsequent section

9. Page 4, line 28.
Following: "a"
Insert: "licensed"

10. Page 5, line 2.
Following: "a"
Insert: "licensed"

And, as amended, do pass. Report adopted.

SB 301, introduced bill, do pass. Report adopted.

Adverse Committee Report

AGRICULTURE, LIVESTOCK & IRRIGATION (Devlin, Vice-Chairman): February 10, 1995
SB 256, introduced bill, be amended as follows:

1. Page 11, line 20.

Strike: ", damage, and discounts"

2. Page 11, lines 24 through 26.
Strike: "Damage" on line 24 through "subclass." on line 26

3. Page 14, line 21.
Insert: "(7) This section does not apply to a producer or purchaser of any agricultural commodity, except wheat or feed barley, who is under contract to produce or purchase an agricultural commodity of a specific variety."

4. Page 14, lines 22 and 23.
Strike: section 16 in its entirety
Renumber: subsequent sections

5. Page 15, line 3.
Strike: "Sections"
Insert: "Section"
Strike: "and 16"
Strike: "are"
Insert: "is"

6. Page 15, line 4.
Strike: "sections"
Insert: "section"
Strike: "and 16"

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Yeas: Baer, Beck, Benedict, Bishop, Cole, Crippen, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Keating, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Waterman, Mr. President.
Total 29

Nays: Aklestad, Bartlett, Brooke, Christiaens, Devlin, Doherty, Eck, Forrester, Holden, Jabs, Jenkins, Jergeson, Klampe, Lynch, Van Valkenburg, Weldon, Wilson.
Total 17

Absent or not voting: Burnett, Crismore, Hertel, Jacobson.
Total 4

Excused: None.
Total 0

MESSAGES FROM THE GOVERNOR

February 13, 1995

The Honorable Bob Brown

President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 29** sponsored by Senator Bartlett on February 13, 1995.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: February 13, 1995

HB 55, introduced by Bohlinger
HB 101, introduced by Masolo
HB 154, introduced by Kasten
HB 165, introduced by Story
HB 166, introduced by McGee
HB 188, introduced by Wiseman
HB 263, introduced by Curtiss
HB 272, introduced by Stovall
HB 278, introduced by Holland
HB 318, introduced by Rose
HB 335, introduced by Squires
HB 347, introduced by Kottel
HB 381, introduced by Knox
HB 384, introduced by Ream
HB 386, introduced by Rose
HB 392, introduced by Ryan
HB 393, introduced by Grady
HB 414, introduced by Harper
HB 415, introduced by Forbes
HJR 14, introduced by Green
HJR 16, introduced by Cobb
HJR 17, introduced by Tropila
HJR 19, introduced by Pavlovich

HB 228, introduced by M. Hanson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

YEAS -- 62
NAYS -- 36

MOTIONS

SB 128 - Senator Jergeson moved the Senate reconsider its action in failing to pass SB 128 on third reading the previous legislative day and that it be printed and placed on second reading on the thirty-eighth legislative day. Motion carried as follows:

Yeas: Bartlett, Brooke, Christiaens, Devlin, Doherty, Eck, Emerson, Forrester, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Nelson, Toews, Tveit, Van Valkenburg, Waterman, Wilson.
Total 28

Nays: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Estrada, Foster, Harp, Hertel, Mesaros, Miller, Mohl, Pipinich, Sprague, Stang, Swysgood, Weldon, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 188 - Senator Bartlett moved SB 188 be taken from the table in the Committee on State Administration, printed and placed on second reading. Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Halligan, Harding, Jacobson, Jergeson, Klampe, Lynch, Nelson, Pipinich, Van Valkenburg, Waterman, Weldon, Wilson.
Total 20

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Toews, Tveit, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 325 - Senator Gage moved SB 325 be taken from the Committee on Business & Industry and rereferred to the Committee on Taxation. Motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time, and referred to committee:
The following bills were introduced, read first time, and referred to committees:

SB 377, introduced by Weldon, referred to Committee on Local Government.
SB 379, introduced by Bartlett, referred to Committee on State Administration.
SB 380, introduced by Jacobson, Franklin, Tuss, Christiaens, Barnhart, Halligan, Brooke, Bartlett, Doherty and L. Smith, referred to Committee on Business & Industry.
SB 381, introduced by Franklin, Jacobson, Tuss, Christiaens, Barnhart, Squires, Halligan, Brooke, Bartlett and Doherty, referred to Committee on Public Health, Welfare & Safety.
SB 382, introduced by Harp and Beck, referred to Committee on Natural Resources.
SB 383, introduced by Tveit, referred to Committee on Taxation.
SB 384, introduced by Benedict, referred to Committee on Labor & Employment Relations.
SB 385, introduced by Eck, Cobb, Franklin, Jacobson, Ryan, Tuss, Lynch, Shea, Doherty, Waterman, Brooke, Halligan, Keating, Menahan, Kottel, Harrington, Ream, Wyatt, Larson, Cocchiarella, Elliott, Squires, Barnhart and McCulloch, referred to Committee on Public Health, Welfare & Safety.
SB 386, introduced by Devlin, Swysgood, Zook, Grinde, Aklestad, L. Nelson and Tveit, referred to Committee on Natural Resources.
SB 387, introduced by Beck, referred to Committee on Agriculture, Livestock & Irrigation.
SB 388, introduced by Harp, referred to Committee on Public Health, Welfare & Safety.
SB 389, introduced by Hargrove, Devlin, Tveit, Swysgood, Jabs, L. Nelson, Beck, Jenkins, DeBruycker, Mesaros, Benedict, Gage, Forrester, Holland, Wilson, Brown, Peck, Foster, Toews, Zook, Rehbein, Keating and McCann (by the request of the Senate Agriculture, Livestock and Irrigation Committee), referred to Committee on Agriculture, Livestock & Irrigation.
SB 390, introduced by Jergeson and Bergsagel, (by the request of the Department of Justice, referred to Committee on Highways and Transportation.
SB 391, introduced by Grosfield and Knox, referred to Committee on Natural Resources.
SB 393, introduced by Aklestad (by the request of the Senate Finance and Claims Committee), referred to Committee on Finance & Claims.
SJR 14, introduced by Jacobson, Franklin, Tuss, Waterman, Barnhart, J. Johnson, Squires, McKee, Halligan, Brooke, Bartlett, Doherty and Christiaens, referred to Committee on Public Health, Welfare & Safety.
HJR 15, introduced by Wiseman, Forbes, Simpkins, Galvin, Wyatt, Tuss, Tropila, Ryan, Franklin, Kottel, Doherty, Christiaens, Wilson and Mesaros, referred to Committee on State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swysgood in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 85 - Senator Benedict moved SB 85 do pass. Motion failed as follows:

Yeas: Aklestad, Baer, Benedict, Burnett, Emerson, Gage, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Nelson, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 19

Nays: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller,

Mohl, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 31

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Wilson moved that SB 85 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Devlin, Doherty, Eck, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harp, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 33

Nays: Aklestad, Benedict, Burnett, Crismore, Emerson, Gage, Harding, Hargrove, Hertel, Holden, Jabs, Jenkins, Swysgood, Toews, Tveit, Mr. President.
Total 16

Absent or not voting: Baer.
Total 1

Excused: None.
Total 0

Senator Estrada excused at this time.

SB 118 - Senator Hertel moved SB 118 do pass. Motion failed as follows:

Yeas: Cole, Crippen, Crismore, Eck, Gage, Harding, Hertel, Jenkins, Jergeson, Lynch, Nelson, Stang, Toews, Waterman, Weldon, Mr. President.
Total 16

Nays: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Devlin, Doherty, Emerson, Forrester, Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Holden, Jabs, Jacobson, Keating, Klampe, Mesaros, Miller, Mohl, Pipinich, Sprague, Swysgood, Tveit, Van Valkenburg, Wilson.
Total 33

Absent or not voting: None.
Total 0

Excused: Estrada.
Total 1

Senator Forrester moved that SB 118 be indefinitely postponed. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Bishop, Brooke, Burnett, Christiaens, Crismore, Devlin, Doherty, Emerson, Forrester,

Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Holden, Jacobson, Keating, Mesaros, Miller, Mohl, Pipinich, Swysgood, Tveit, Van Valkenburg, Waterman, Weldon, Wilson.
Total 31

Nays: Bartlett, Benedict, Cole, Crippen, Eck, Gage, Harding, Hertel, Jabs, Jenkins, Jergeson, Klampe, Lynch, Nelson, Sprague, Stang, Toews, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: Estrada.
Total 1

Senator Estrada present at this time.

SB 145 - Senator Keating moved SB 145 do pass. Motion failed as follows:

Yeas: Aklestad, Beck, Burnett, Cole, Crismore, Devlin, Emerson, Estrada, Gage, Harding, Hertel, Holden, Jabs, Jenkins, Keating, Miller, Mohl, Swysgood, Toews, Tveit.
Total 20

Nays: Baer, Bartlett, Benedict, Bishop, Brooke, Christiaens, Crippen, Doherty, Eck, Forrester, Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Jacobson, Jergeson, Klampe, Lynch, Mesaros, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 30

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Jergeson moved that SB 145 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Forrester, Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Holden, Jacobson, Jergeson, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 30

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Crismore, Devlin, Emerson, Estrada, Gage, Harding, Hertel, Jabs, Jenkins, Keating, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 20

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 264 - Senator Bartlett moved SB 264, second reading copy, be amended as follows:

1. Page 13, line 19.
Following: line 18
Insert: "(3) enter into an agreement to assign employees to work for a person when there is a labor dispute involving that person's facility, function, or enterprise;"

Renumber: subsequent subsections

Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Franklin, Halligan, Jacobson, Jergeson, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 19

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 30

Absent or not voting: Forrester.
Total 1

Excused: None.
Total 0

Senator Benedict moved SB 264, second reading copy, be amended as follows:

1. Page 15, line 23.
Strike: "A CLIENT EMPLOYER OF"

Motion carried unanimously.

Senator Gage moved SB 264, as amended, do pass. Motion carried unanimously.

SB 271 - Senator Burnett moved SB 271 do pass. Motion carried unanimously.

SB 288 - Senator Doherty moved SB 288, second reading copy, be amended as follows:

1. Page 4, line 15.
Strike: "CLEAR AND CONVINCING"
Insert: "a preponderance of the"

Motion failed as follows:

Yeas: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Grosfield, Halligan, Jacobson,

Jergeson, Klampe, Lynch, Mesaros, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 22

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Miller, Mohl, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Keating moved SB 288 do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 31

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Halligan, Jergeson, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 19

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 6 - Senator Brown moved SJR 6, second reading copy, be amended as follows:

1. Page 2, lines 27 through 29.
Strike: "AND" on line 27 through "STATES" on line 29

Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jenkins, Keating, Lynch, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Toews, Tveit, Wilson, Mr. President.
Total 37

Nays: Bartlett, Brooke, Doherty, Franklin, Jabs, Jacobson, Jergeson, Klampe, Nelson, Pipinich, Van Valkenburg, Waterman, Weldon.
Total 13

Absent or not voting: None.

Total 0

Excused: None.
Total 0

Senator Brown moved SJR 6, as amended, be adopted. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 48

Nays: Brooke, Klampe.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Swysgood moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 147 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.

Total 0

SB 167 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Waterman, Weldon, Wilson, Mr. President.
Total 43

Nays: Brooke, Doherty, Eck, Forrester, Halligan, Klampe, Van Valkenburg.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 231 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 48

Nays: Brooke, Klampe.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 238 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 250 passed as follows:

Yeas: Baer, Bartlett, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Gage, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 44

Nays: Aklestad, Beck, Bishop, Forrester, Grosfield, Jenkins.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 259 passed as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 47

Nays: Aklestad, Swysgood, Wilson.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 286 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 291 passed as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jenkins, Keating, Klampe, Miller, Mohl, Swysgood, Toews, Tveit.
Total 26

Nays: Bartlett, Bishop, Brooke, Christiaens, Cole, Doherty, Forrester, Foster, Franklin, Halligan, Jabs, Jacobson, Jergeson, Lynch, Mesaros, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: Forrester.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 319 passed as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp,

Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: Bartlett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MOTIONS

SB 149 - Senator Emerson moved SB 149 be taken from the table in the Committee on Judiciary, printed and placed on second reading, February 15, 1995, the thirty-ninth legislative day. Motion failed as follows:

Yeas: Aklestad, Baer, Benedict, Burnett, Crismore, Devlin, Emerson, Estrada, Forrester, Foster, Gage, Harding, Hargrove, Harp, Holden, Jabs, Jenkins, Keating, Miller, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 24

Nays: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Franklin, Grosfield, Halligan, Hertel, Jacobson, Jergeson, Klampe, Lynch, Mesaros, Mohl, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 18 - Senator Benedict moved that his name be removed as a sponsor from HJR 18. Motion carried.

SB 290 - Senator Hargrove moved that his name be removed as a sponsor from SB 290. Motion carried.

ANNOUNCEMENTS

Majority Whip Beck introduced this week's pages:

Kelly Antos, Helena
Rebecca Iverson, Shelby
Sarah Johnson, Twin Bridges
Cody Kelley, Deer Lodge
Thomas Mazurek, Helena
Julia Norman, Butte

Lori Torgerson, Dagmar
Sharina Tveit, Fairview
Natasha Tweten, Sidney

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 3:00 p.m., Tuesday, February 14, 1995. Motion carried.

Senate adjourned at 6:30 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

Helena, Montana
February 14, 1995

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Scott S. Orr. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Kasten, Simpkins, Soft, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/14/95
Correctly printed for second reading: HB 65, HB 84, HB 117, HB 215, HB 351, HB 378, HB 412, HB 455, HB 457, HB 472, HB 474, HB 478.
Correctly engrossed for third reading: HB 62, HB 74, HB 89, HB 110, HB 245, HB 280, HB 409.

APPROPRIATIONS (Zook, Chairman): 2/14/95
HB 65, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 2/13/95
HB 84, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "placed"
Insert: ", after consideration of the recommendations of the professionals providing treatment to the defendant,"

2. Page 1, line 20.
Strike: "institution"
Insert: "facility"

3. Page 1, line 22.
Following: "may"
Insert: ", after considering the recommendations of the professionals providing treatment to the defendant,"
Strike: "institution"
Insert: "facility"

And, as amended, do pass. Report adopted.

HB 117, introduced bill, be amended as follows:

1. Page 1, line 29.
Following: "compliance."
Insert: "The defendant has a right to a hearing on the petition. The court shall enter into the record a detailed statement of the facts upon which an order is made, and if compliance with the individualized treatment plan is ordered, the court shall also enter into the record specific findings that the state has proven an overriding justification for the order and that the treatment being ordered is medically appropriate.

And, as amended, do pass. Report adopted.

HB 378, introduced bill, do pass. Report adopted.

HB 457, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "AND"

2. Page 1, line 6.
Following: "CONVICTION"
Insert: "; AND AMENDING SECTION 41-5-203, MCA"

3. Page 1, line 24.
Insert: "Section 2. Section 41-5-203, MCA, is amended to read:

"41-5-203. Jurisdiction of the court. (1) Except as provided in subsection (2), the court has exclusive original jurisdiction of all proceedings under the Montana Youth Court Act in which a youth is alleged to be a delinquent youth, a youth in need of supervision, or a youth in need of care or concerning any person under 21 years of age charged with having violated any law of the state or ordinance of any city or town other than a traffic or fish and game law prior to having become 18 years of age.

(2) Justice, municipal, and city courts have concurrent jurisdiction with the youth court over all alcoholic beverage, tobacco products, and gambling violations alleged to have been committed by a youth.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 474, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "board of crime control"
Insert: "department of justice"

2. Page 1, line 18.
Following: "approved by the board"
Insert: "of crime control"
Following: "available, the"
Strike: "board"
Insert: "department"

3. Page 2, line 12.
Strike: "offered"
Insert: "conducted by the department of justice"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 2/14/95
HB 215, introduced bill, be amended as follows:

1. Page 2, line 18.

Strike: subsection (13) in its entirety
Renumber: subsequent subsections

2. Page 3, lines 6 and 26.
Strike: "(19)(b)(i)"
Insert: "(18)(b)(i)"

3. Page 3, line 6.
Strike: "(19)(b)(viii)"
Insert: "(18)(b)(viii)"

4. Page 3, line 18.
Strike: "(19)(b)(ii)(A)"
Insert: "(18)(b)(ii)(A)"
Strike: "(19)(b)(ii)(B)"
Insert: "(18)(b)(ii)(B)"

5. Page 3, line 27.
Strike: "(19)(b)(vi)"
Insert: "(18)(b)(vi)"

6. Page 3, line 29.
Strike: "A"
Insert: "Subject to the provisions of subsection (4), a"
Following: "permit"
Insert: "that is required"

7. Page 3, line 30.
Following: "facility"
Insert: "under 75-10-406"
Following: "issued"
Insert: ", reissued, renewed,"
Strike: "pursuant to 75-10-406"
Strike: "an application"
Insert: "the filing of a disclosure statement as required"

8. Page 4, line 1.
Following: "issuance"
Insert: ", reissuance, renewal,"

9. Page 4, lines 2 and 3.
Strike: "and" on line 2 through "applicant" on line 3

10. Page 4, line 4.
Strike: "and each principal"

11. Page 4, line 5.
Following: "civil"
Insert: "complaint filed"

Strike: "complaint filed"
Insert: "enforcement action taken"

12. Page 4, line 6.
Strike: "or a principal"

13. Page 4, line 7.
Following: "complaint"
Insert: "or action"

14. Page 4, line 8.
Strike: "or a principal"

15. Page 4, line 10.
Following: "conviction"
Insert: "for activities directly associated with a hazardous waste management facility"
Strike: "or a principal"

16. Page 4.
Following: line 21
Insert: "(4)(a) This section does not apply to the issuance of a temporary emergency permit under 75-10-406(5) or to the modification of a permit that does not reflect a change in the owner or operator of the hazardous waste management facility.

(b) A person is not required to comply with the provisions of [section 3] or this section for:

(i) the reissuance, renewal, or modification of a valid hazardous waste management facility permit issued prior to January 1, 1995; or

(ii) an application for a new hazardous waste management facility permit for a facility when a permit was issued prior to January 1, 1995, if the new permit is not because of a change in the owner or operator at that facility.

(5) For the purposes of this section, "applicant" includes a subsidiary or successor in interest with respect to the applicant."

17. Page 4, line 24.
Following: "issuance"
Insert: ", reissuance, renewal,"
Strike: "under 75-10-406"

18. Page 4, line 27.
Following: "civil"
Insert: "complaint"
Strike: "complaint"
Insert: "enforcement action"

19. Page 4, lines 28 and 30.
Strike: "or a principal"

20. Page 5, lines 1, 4, and 11.
Strike: "or a principal"

21. Page 5, line 9.
Following: the first "the"
Insert: "number,"
Following: "nature"
Insert: ","
Strike: "violation"
Insert: "violations"

22. Page 5, line 12.
Strike: "or principal's"

23. Page 5, line 13.
Following: "complaints"
Insert: ", enforcement actions,"

24. Page 5, line 14.
Strike: "or principal's"
Following: "entities"
Insert: "involved in the complaints or enforcement actions or"

25. Page 5, line 16.
Insert: "(4) For the purposes of this section, "applicant" includes a subsidiary or successor in interest with respect to the applicant."

And, as amended, do pass. Report adopted.

HB 351, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "CERTAIN"

2. Page 3, lines 6 through 11.
Strike: "If" on line 6 through the first "the" on line 11
Insert: "The"

3. Page 3, lines 13 through 21.
Strike: "would" through "state"
Insert: "does not return to the state full market value or that the sale procedure did not provide the public a reasonable opportunity to submit proposals to purchase the land. If the board of land commissioners determines that the sale is not in the best interests of the state or system, it shall notify the board of regents of that determination and the sale is not final"

4. Page 3, lines 15 through 21.
Strike: "For" on line 15 through "purposes." on line 21

And, as amended, do pass. Report adopted.

HB 412, introduced bill, be amended as follows:

1. Title, line 6.
Strike: first "AND"

2. Title, line 7.
Following: "REPORT"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 1, line 13.
Following: "to"
Insert: "voluntarily"
Strike: "compliance issues"
Insert: "violations"

4. Page 1, line 16.
Strike: "will"
Insert: "are"
Following: "not"
Insert: "intended to"
Following: "inhibit"
Insert: "or be a substitute for"

5. Page 1, line 17.
Following: "those"
Insert: "agencies"

6. Page 1, line 21.
Following: "a"
Insert: "state"

7. Page 1, line 24.
Following: second "self-evaluation"
Insert: ", not otherwise required by law or regulatory action,"

8. Page 1, line 25.
Following: second "the"
Insert: "primary"

9. Page 1, line 26.
Following: "noncompliance"
Insert: "on a long-term basis"

10. Page 2, line 1.
Strike: ": Privileged Document""

11. Page 2, line 2.

Strike: "may"
Insert: "must"

12. Page 2, line 3.
Following: "purpose"
Insert: "of"
Following: "of"
Insert: "conducting"
Strike: ", including"
Insert: ". These materials may include"
Following: "but"
Insert: "are"

13. Page 2, lines 6 through 13.
Strike: "It" on line 6 through "noncompliance." on line 13
Insert: "All environmental self-evaluation reports must:

(a) include the date or dates on which the environmental self-evaluation was conducted; and

(b) identify proposed corrective actions to resolve identified noncompliance issues in accordance with applicable environmental laws."

14. Page 2, line 15.
Strike: "out"
Insert: "because"

15. Page 2, line 18.
Following: "resolve"
Insert: "the violation"
Strike: "reasonably"

16. Page 2, line 19.
Following: "manner"
Insert: "and corrects the violation according to the compliance plan approved by the regulatory agency"

17. Page 2, line 21.
Following: "investigation"
Insert: "and resolution"

18. Page 2, line 22.
Following: "law"
Insert: ", permit, order, or rule"

19. Page 2, line 28.
Following: "self-evaluation"
Insert: " or prepared an environmental self-evaluation report"
Following: "or"
Insert: "any person or entity"

20. Page 2, line 29.

Strike: "any" through "of"
Strike: "and"
Insert: "report or any matter"

21. Page 3, line 4.
Strike: "by"
Insert: "because of"

22. Page 3, line 13.
Strike: "raised"
Insert: "identified"
Following: "self-evaluation"
Insert: "report"

23. Page 3, line 16.
Following: "a"
Insert: "lawful"

24. Page 3, line 20.
Strike: "material"
Insert: "the report"

25. Page 3, line 22.
Following: "purpose;"
Insert: "(b) the environmental self-evaluation report was prepared to avoid disclosure of information:

(i) in an investigation or in an administrative or judicial proceeding that was under way or imminent; or

(ii) for which the person or entity had been provided written notification that an investigation into a specific violation had been initiated;"

26. Page 3, line 23.
Strike: "(b)"
Insert: "(c)"
Strike: "material"
Insert: "report"
Strike: "or"

27. Page 3, line 24.
Strike: "(c)"
Insert: "(d)"
Strike: "material"
Insert: "report"

28. Page 3, line 25.
Following: "the"
Insert: "environmental"

29. Page 3, line 26.
Following: "pursued"

Insert: "to completion"
Following: "noncompliance"
Insert: "; or (e) information contained in the environmental self-evaluation report demonstrates a clear, present, and substantial impending danger to the public health or to the environment in areas outside the facility property"

30. Page 3, line 29.
Following: "diligence"
Insert: "toward completion"
Following: "party"
Insert: ", including the state in a criminal proceeding,"

31. Page 3, line 30 through page 4, line 2.
Following: "(3)(a)" on page 1, line 30
Insert: ", (3)(b), (3)(c), or (3)(e)"
Strike: "proving" on page 3, line 30 through "(3)(b)" on page 4, line 2
Insert: "proof"

32. Page 4, line 7.
Following: "seal"
Strike: "and"
Insert: ","
Following: "report"
Insert: ", and shall notify the owner or operator of its possession of the report"

33. Page 4, line 8.
Strike: "obtains the report"
Insert: "provides notice"

34. Page 4, line 21.
Following: "for"
Insert: "exclusion or"

35. Page 4, lines 25 and 26.
Strike: "specific" on line 25 through "in" on line 26
Insert: "all or a portion of"

36. Page 4, line 29.
Following: "are"
Insert: "not privileged and are"

37. Page 5, line 5.
Following: "agency"
Insert: ", except to the extent derived from a voluntary disclosure"
Strike: "or"

38. Page 5, line 6.
Following: "obtained"
Insert: "by a regulatory agency"

Following: "self-evaluation"
Insert: "or from a voluntary disclosure;

(4) documents existing prior to the commencement of the environmental self-evaluation and independent of the environmental self-evaluation; or

(5) any information not privileged, pursuant to [section 3] or otherwise, that is developed or maintained in the course of regularly conducted business activity or regular practice"

39. Page 5, line 8.
Following: "limit,"
Insert: "expand,"

40. Page 5, line 12.
Following: "violation."
Insert: "(1)"

41. Page 5, line 15.
Strike: "(1)"
Insert: "(a)"

42. Page 5, line 17.
Strike: "(2)"
Insert: "(b)"

43. Page 5, line 18.
Strike: "(3)"
Insert: "(c)"
Strike: "environmental" through "health."
Insert: "harm to the public health or to the environment.

(2) The person or entity shall provide information in writing supporting its claim that the disclosure is voluntary at the time that the disclosure is made to the regulatory authority.

(3) The elimination of civil, criminal, or administrative penalties under this section does not apply if a person or entity has been found by a court or an administrative tribunal to have committed serious violations that constitute a pattern of continuous or repeated violations of environmental laws, rules, permit conditions, settlement agreements, or orders on consent and that were because of separate and distinct events giving rise to the violations within the 3-year period prior to the date of disclosure.

NEW SECTION. Section 8. Applicability. [This act] applies to:

(1) only those environmental self-evaluations that result in environmental self-evaluation reports;

(2) voluntarily disclosed violations that are disclosed after [the effective date of this act]; and

(3) all legal actions and administrative actions commenced on or after [the effective date of this act].

NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 10. Termination. [This act] terminates June 30, 2001."

And, as amended, do pass. Report adopted.

HB 472, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: second "to"
Insert: "temporarily"

2. Page 1, line 20.
Following: "governor", "convene", and "basis"
Strike: ","

3. Page 2, line 26.
Following: "or"
Insert: "allow"

4. Page 10, line 20.
Following: "(4)"
Insert: "(a)"

5. Page 10, lines 22 through 24.
Strike: "Except" on line 22 through "permit." on line 24
Insert: "(b) An appropriator, other than an appropriator identified in subsection (7), may object:
(i) during the initial temporary change application process;
(ii) during the temporary change renewal process; and
(iii) once during the term of the temporary change permit."

And, as amended, do pass. Report adopted.

HB 478, introduced bill, be amended as follows:

1. Page 2, line 5.
Strike: "a significant"
Insert: "an adverse"
Following: "stream"
Insert: "due to soil erosion or sedimentation"

2. Page 8, line 14.
Strike: "of" through "more than"
Insert: "not to exceed"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/13/95
HB 455, introduced bill, be amended as follows:

1. Pages 1, line 28 through page 2, line 4.
Strike: "If" on page 1, line 28 through "supervisor" on page 2, line 4
Insert: "Except as provided in subsection (5)(b), if the number of candidates nominated is equal to or less than the number of positions to be elected, the election administrator shall give notice that an election will not be held.

(b) The governing body may require that an election be held if, not more than 10 days after the close of filing by candidates, the governing body passes a resolution to hold an election and notifies the election administrator.

(c) If an election is not held, the governing body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If a candidate has not filed a nominating petition for the position, the governing body shall make an appointment to fill the position."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/14/95

SB 147, introduced by Hertel
SB 167, introduced by Benedict
SB 231, introduced by Mesaros
SB 238, introduced by Van Valkenburg
SB 250, introduced by L. Nelson
SB 259, introduced by Hargrove
SB 286, introduced by Franklin
SB 291, introduced by Gage
SB 302, introduced by Jabs
SB 319, introduced by Hertel

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 12 sponsored by Representative Quilici on February 14, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol

February 14, 1995

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 25 sponsored by Representative Peck on February 13, 1995.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 547, introduced by Clark, referred to Committee on Judiciary.
HB 548, introduced by Carey, referred to Committee on Select Health Care.
HB 549, introduced by Shea, referred to Committee on Business & Labor.
HB 550, introduced by Kasten, referred to Committee on Taxation.
HB 551, introduced by Clark, referred to Committee on Judiciary.
HB 552, introduced by Quilici, referred to Committee on Appropriations.
HB 553, introduced by Grady, referred to Committee on Appropriations.
HB 554, introduced by Harper, referred to Committee on Business & Labor.
HB 555, introduced by Soft, referred to Committee on Human Services & Aging.
HB 556, introduced by Simon, referred to Committee on Business & Labor.
HJR 23, introduced by Clark, referred to Committee on Highways & Transportation.
HJR 24, introduced by Grady, referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Simpkins present at this time.

HB 157 - Representative Denny moved HB 157 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon,

Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Cocchiarella, Ellingson, Kasten, Wennemar.
Total 4

Voted Absentee: Soft, Aye; Kasten, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 214 - Representative Kottel moved HB 214 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Cocchiarella, Ellingson.
Total 2

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 - Representative Raney moved HB 122 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Elliott, Ewer, Fisher, Galvin, Green, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, McCann, McCulloch, McKee, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Sliter, Squires, Stovall, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.
Total 51

Noes: Ahner, Barnett, Bergman, Boharski, Brainard, Clark, DeBruycker, Denny, Devaney, Ellis, Feland, Forbes,

Fuchs, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Masolo, McGee, Menahan, Mills, Murdock, Orr, Rose, Simon, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Swanson, Tash, Taylor, Vick, Mr. Speaker.
Total 47

Voted Absentee: Kasten, Soft, Noes.

Excused: None.
Total 0

Absent or not voting: Grinde, Wagner.
Total 2

HB 368 - Representative Holland moved HB 368 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.
Total 95

Noes: Elliott, Heavy Runner, L. Smith, Tuss, Wyatt.
Total 5

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 375 - Representative Harper moved HB 375 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Feland, Heavy Runner, Kasten, Orr, Ryan.
Total 5

Voted Absentee: Kasten, No.

Excused: Soft.
Total 1

Absent or not voting: Jore.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (92-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 62 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, Menahan, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Squires, Stovall, Tash, Taylor, Tropila, Wells, Wennemar, Zook, Mr. Speaker.
Total 63

Noes: Ahner, Arnott, Bergsagel, Boharski, Brainard, Clark, Cocchiarella, Feland, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Heavy Runner, Hibbard, Jore, Keenan, Marshall, McKee, Mills, Molnar, Pavlovich, Rehbein, Ryan, Sliter, S. Smith, Somerville, Story, Swanson, Trexler, Tuss, Vick, Wagner, Wyatt.
Total 35

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: Herron, Wiseman.
Total 2

HB 74 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard,

Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Carey, Cobb, Cocchiarella, Ellingson, Ewer, Galvin, Kadas, McCulloch, Ryan, Tuss.
Total 10

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 217 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr,

Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: DeBruycker, Grinde, Hayne, Jore, Murdock, Rehbein, Wagner.
Total 7

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: Fisher, S. Smith.
Total 2

HB 253 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Green, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

Noes: Barnett, Bergsagel, Boharski, Curtiss, DeBruycker, Denny, Devaney, Feland, Forbes, Grady, Grinde, M. Hanson, Hayne, R. Johnson, Jore, Kasten, Keenan, Knox, Martinez, McGee, Murdock, Nelson, Rehbein, Rose, Sliter, S. Smith, Taylor, Vick, Wagner.
Total 29

Voted Absentee: Soft, Aye; Kasten, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.
Total 91

Noes: Cobb, Curtiss, Galvin, Grady, Kadas, Wyatt.
Total 6

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: Anderson, Feland, Fuchs.
Total 3

HB 301 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Feland, Fisher, Hayne, Jore, Keenan, Rose, L. Smith, Somerville, Taylor, Wagner.
Total 10

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 352 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Soft, Aye.

Excused: Kasten.
Total 1

Absent or not voting: S. Smith.
Total 1

HB 387 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 409 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Kottel, Schwinden, Tuss.
Total 3

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: Ream.
Total 1

SB 36 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Kasten, Soft, Ayes.

Excused: None.
Total 0

Absent or not voting: Tropila.
Total 1

MOTIONS

HB 62 - Representative Ahner moved she be allowed to change her vote on HB 62, third reading, from aye to nay. Motion carried.

HB 368 - Representative L. Smith moved she be allowed to change her vote on HB 368, second reading, from aye to nay. Motion carried.

Representative Curtiss moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 157: Representative Kottel, Representative McCulloch, Representative Larson, Representative Heavy Runner, Representative Shea, Representative Galvin.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Wednesday, February 15, 1995. Motion carried.

House adjourned at 2:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 15, 1995

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Roger Somerville. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Galvin, Schwinden, Tropila, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/15/95
Correctly printed for second reading: HB 41, HB 150, HB 176, HB 231, HB 259, HB 269, HB 270, HB 289, HB 357, HB 362, HB 364, HB 365, HB 376, HB 408, HB 417, HB 421, HB 424, HB 425, HB 428, HB 432, HB 449, HB 458, HB 460, HB 462, HB 463, HB 448, HB 475, HB 479, HB 480, HB 482, HB 488, HB 494, HB 498, HB 499, HB 502, HB 527, HB 530, HB 536, HB 537, HB 547, HJR 21.
Correctly engrossed for third reading: HB 122, HB 157, HB 214, HB 368, HB 375.

BUSINESS & LABOR (Simon, Chairman): 2/14/95
HB 269, introduced bill, be amended as follows:

1. Title, lines 4 through 7.
Following: "OMBUDSMAN" on line 4
Strike: "AND HEARING BOARD"
Following: "OMBUDSMAN" on lines 5, 6, and 7
Strike: "AND BOARD"

2. Page 1, lines 11 and 23.
Page 4, line 1.
Strike: "3 and 5 through 12"
Insert: "7"

3. Page 1, line 12.
Following: "Ombudsman"
Strike: "and Hearing Board"

4. Page 1, line 18.
Following: "ombudsman"
Strike: "and a hearing board"
Following: "to"
Strike: "resolve the"
Insert: "collect data and provide information regarding"

5. Page 1, line 20.
Following: "in"
Strike: "an equitable implementation of"
Insert: "providing information on"

6. Page 1, line 25.

Strike: subsection (1) in its entirety
Renumber: subsequent subsections

7. Page 2, line 2.
Strike: "5"
Insert: "4"

8. Page 2, lines 8 through 22.
Strike: section 4 in its entirety
Renumber: subsequent sections

9. Page 2, line 25.
Following: first "and"
Strike: "resolve"
Insert: "collect data and provide information regarding"

10. Page 2, line 26.
Following: "by the"
Strike: "board"
Insert: "governor"

11. Page 2, line 27.
Following: "The"
Strike: "board"
Insert: "governor"

12. Page 2, line 29.
Following: "and"
Strike: "resolve"
Insert: "collect data and provide information regarding"

13. Page 3, lines 9 through 17.
Strike: subsections (3), (4), and (5) in their entirety
Renumber: subsequent subsections

14. Page 3, line 24.
Strike: "least 48 hours prior to"
Insert: "the time of"

15. Page 3, line 25.
Strike: "least 48 hours prior to"
Insert: "the time of"

16. Page 3, line 27.
Following: "subsection"
Strike: "(6)"
Insert: "(3)"

17. Page 3, line 28.

Strike: "12"
Insert: "7"

18. Page 4, line 4 through line 23 on page 5.
Strike: sections 6 through 9 in their entirety
Renumber: subsequent sections

19. Page 5, lines 26 and 27.
Following: "ombudsman" on line 26
Strike: the remainder of lines 26 and 27

20. Page 6, lines 1 and 2.
Following: "through"
Strike: "12"
Insert: "7"

21. Page 6, line 3.
Strike: "at least 48 hours before"
Insert: "when"

22. Page 6, lines 12 through 17
Strike: "and the board" in three places

23. Page 6, lines 20 through 22.
Strike: section 14 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 408, introduced bill, be amended as follows:

1. Page 1, line 27.
Following: "."
Insert: "The term does not include functions performed by a criminal justice agency."

2. Page 2, lines 11 and 12.
Following: the first "hearing" on line 11
Strike: the remainder of line 11 and line 12 in its entirety
Insert: "on a preponderance of the substantive issues in the proceeding."

3. Page 2, line 14.
Following: "with"
Strike: "a net worth of less than $3 million and"
Following: "than"
Strike: "250"
Insert: "100"

4. Page 2, line 19.

Following: "means"
Strike: "reasonable in both law and fact"
Insert: "well-grounded in fact and warranted by existing law or a good faith argument for the extension or modification of existing law"

And, as amended, do pass. Report adopted.

HB 432, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TRANSFERRING"
Insert: "LICENSURE FUNCTIONS OF THE"

2. Title, line 6.
Following: "INVESTIGATION"
Insert: "PROGRAM"

3. Title, lines 8 and 9.
Strike: "2-15-1519" through "50-3-109, on line 9
Insert: "39-71-201,"
Strike: "50-37-107,"

4. Title, lines 10 through 12.
Strike: "50-61-102" through "50-62-110," on line 12
Insert: "AND"

5. Title, lines 12 through 14.
Strike: "52-2-733" through "77-5-104," on line 13
Following: "MCA;"
Strike: "REPEALING SECTION 2-15-2005, MCA;"

6. Page 1, line 18 through page 7, line 11.
Strike: sections 1 through 10 in their entirety
Renumber: subsequent sections

7. Page 7, line 12.
Insert: "Section 1. Section 39-71-201, MCA, is amended to read:

"39-71-201. Administration fund. (1) A workers' compensation administration fund is established out of which all costs of administering the Workers' Compensation and Occupational Disease Acts and the various occupational safety acts the department and the boiler inspections the department of commerce must administer, with the exception of the subsequent injury fund, as provided for in 39-71-907, and the uninsured employers' fund, are to be paid upon lawful appropriation. The following money collected by the department must be deposited in the state treasury to the credit of the workers' compensation administrative fund and must be used for the administrative expenses of the department and for the administrative expenses of the department of commerce for the purposes of 50-74-101:

(a) all fees and penalties provided in 39-71-205 and 39-71-304;

(b) all fees paid for ~~inspection of boilers and~~ issuance of licenses to operating engineers as required by law;

(c) all fees paid from an assessment on each plan No. 1 employer, plan No. 2 insurer, and plan No. 3, the state fund. The assessments must be levied against the preceding calendar year's gross annual payroll of the plan No. 1 employers and the gross annual direct premiums collected in Montana on the policies of the plan No. 2 insurers, insuring employers covered under the chapter, during the preceding calendar year. However, an assessment of the plan No. 1 employer or plan No. 2 insurer may not be less than $200. If at any time during the fiscal year a plan No. 1 employer is granted permission to self-insure or a plan No. 2 insurer is authorized to insure employers under this chapter, that plan No. 1 employer or plan No. 2 insurer is subject to assessment. The assessments must be sufficient to fund the direct costs identified to the three plans and an equitable portion of the indirect costs based on the ratio of the preceding fiscal year's indirect costs distributed to the plans, using proper accounting and cost allocation procedures. Plan No. 3 must be assessed an amount sufficient to fund the direct costs and an equitable portion of the indirect costs of regulating plan No. 3. Other sources of revenue, including unexpended funds from the preceding fiscal year, must be used to reduce the costs before levying the assessments.

(2) The administration fund must be debited with expenses incurred by the department in the general administration of the provisions of this chapter, including the salaries of its members, officers, and employees and the travel expenses of the members, officers, and employees, as provided for in 2-18-501 through 2-18-503, as amended, incurred while on the business of the department either within or without the state.

(3) Disbursements from the administration money must be made after being approved by the department upon claim therefor.""

Renumber: subsequent sections

8. Page 7, line 23.
Strike: "commerce"
Insert: "justice"

9. Page 8, line 19 through page 9, line 6.
Strike: section 12 in its entirety
Renumber: subsequent sections

10. Page 10, line 11.
Strike: "The"
Insert: "When requested by the"

11. Page 10, line 12.
Following: "commerce"
Strike: "may"
Insert: ", the department of justice shall"
Following: "inspections"
Strike: ","
Insert: "of the applicant's business facilities and shall report to the department of commerce the results of its inspection. The department of commerce may consider the inspection report and conduct"
Following: "examinations"
Strike: ","

12. Page 10, line 22.
Strike: "department"
Insert: "departments of commerce and justice"

13. Page 10, line 28 through page 18, line 10.

Strike: sections 19 through 35 in their entirety
Renumber: subsequent sections

14. Page 18, line 20 through page 25, line 15.
Strike: sections 37 through 47 in their entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 428, introduced bill, be amended as follows:

1. Page 3, line 23.
Following: "~~and~~"
Insert: "doing business in this state and"

2. Page 5, line 6.
Insert: "(7) A branch bank may be relocated with the approval of the state banking board in the city or within 3,000 feet of the city limits in which it is located. Upon relocation, the branch may not be closer than 200 feet to a branch or detached facility operated by any other bank or closer than 300 feet to the main banking house of any other bank, the measurements to be made in a straight line from the closest points of the closest structures involved. The distances specified in this subsection in relation to a branch or detached facility operated by any other bank and in relation to the main banking house of any other bank may be decreased by mutual written agreement of the banks involved to not closer than 150 feet to a branch or detached facility operated by any other bank or closer than 200 feet to the main banking house of any other bank, the measurements to be made in a straight line from the closest points of the closest structures involved."

3. Page 7, line 9.
Following: "company"
Strike: "with headquarters in another state"

4. Page 8, line 15.
Following: "."
Insert: "Upon completion of the sale, the purchasing bank may operate a branch bank at the selling bank's former branch bank location."

5. Page 8, line 25.
Strike: "nonstate"
Insert: "national"

6. Page 11, line 28.
Following: "account"
Strike: "and to impose a surcharge for the transfer"

7. Page 12, line 3.
Following: "telephone"
Strike: ","

8. Page 14, line 13.
Following: "(3)"
Insert: "The owner of an electronic terminal may impose a surcharge for the use of its electronic terminal."
Strike: "A financial institution"
Insert: "The owner of an electronic terminal"
Following: "of"
Strike: "an"
Insert: "its"

9. Page 14, line 14.
Following: "terminal,"
Insert: "by a conspicuous disclosure on the terminal or"

And, as amended, do pass. Report adopted.

HB 460, introduced bill, do pass. Report adopted.

HB 462, introduced bill, be amended as follows:

1. Title, line 9.
Following: "39-71-118,"
Insert: "39-71-743,"

2. Page 4, line 14.
Insert: "Section 2. Section 39-71-743, MCA, is amended to read:

"39-71-743. Assignment or attachment of payments. (1) ~~No payments~~ Payments under this chapter ~~shall~~ may not be assignable, subject to attachment or garnishment, or ~~be~~ held liable in any way for debts, except:

(a) as provided in 71-3-1118; ~~or~~

(b) a portion of any lump-sum award or periodic payment to pay a monetary obligation for current or past-due child support, subject to the limitations in subsection (2), whenever the support obligation is established by order of a court of competent jurisdiction or by order rendered in an administrative process authorized by state law; or

(c) as provided in 53-2-612 or 53-2-613 for medical benefits paid pursuant to chapter 71 or 72 of this title.

(2) Payments under this chapter are subject to assignment, attachment, or garnishment for child support as follows:

(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated by the department of social and rehabilitation services pursuant to 40-5-209; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of a past-due child support obligation.

(3) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. Except as provided in 39-71-704(7), a fee or charge is not payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.""
Renumber: subsequent sections

3. Page 4, line 25.
Following: first "fund"
Insert: "common stock"

Following: second "of the"
Insert: "state"
Following: "fund"
Insert: "total invested assets"

4. Page 4, line 26.
Following: first "the"
Strike: "stock of"
Insert: "book value of common stock investments in"
Following: "fund"
Insert: "total invested assets on the date of purchase"

And, as amended, do pass. Report adopted.

HB 463, introduced bill, do pass. Report adopted.

EDUCATION & CULTURAL RESOURCES (Ellis, Chairman): 2/14/95
HB 365, introduced bill, do pass. Report adopted.

HB 479, introduced bill, be amended as follows:

1. Page 3, line 4.
Strike: "December"
Insert: "March"

And, as amended, do pass. Report adopted.

HB 480, introduced bill, do pass. Report adopted.

HJR 21, introduced bill, do pass. Report adopted.

HIGHWAYS & TRANSPORTATION (Anderson, Chairman): 2/14/95
HB 364, introduced bill, do pass. Report adopted.

HB 448, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "~~feet~~"
Insert: "within its right-of-way"

2. Page 1, lines 12 and 13.
Strike: "on" on line 12 through "roadbed" on line 13

3. Page 1, line 13.
Strike: "in this state"

4. Page 1, line 14.
Following: first "~~or~~"

Insert: "dangerous or"

5. Page 1, line 17.
Following: "trains"
Insert: ", track maintenance, or other railroad operations"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 2/14/95
HB 41, introduced bill, be amended as follows:

1. Title, lines 5 through 9.
Following: ""AN ACT"
Strike: lines 5 through 9 in their entirety
Insert: "PROVIDING A PROCEDURE BY WHICH MEDICATION MAY BE INVOLUNTARILY ADMINISTERED TO A PATIENT AT A MENTAL HEALTH FACILITY; PROVIDING PROTECTIONS FOR THE PATIENT; PROVIDING FOR AN ANNUAL REPORT TO THE GOVERNOR; AND AMENDING SECTIONS 53-21-104 AND 53-21-127, MCA.""

2. Page 1, line 13 through page 23, line 24.
Strike: everything following the enacting clause
Insert: "Section 3. Section 53-21-104, MCA, is amended to read:

"53-21-104. Powers and duties of mental disabilities board of visitors. (1) The board is an independent board of inquiry and review to assure that the treatment of all persons either voluntarily or involuntarily admitted to a mental facility is humane and decent and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research involving persons admitted to a mental health facility to assure that the research project is humane and not unduly hazardous and that it complies with the principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States department of health, education, and welfare. An experimental research project involving persons admitted to a mental health facility affected by this part may not be commenced unless it is approved by the mental disabilities board of visitors.

(3) The board shall at least annually inspect every mental health facility which is providing treatment and evaluation to any person pursuant to this part. The board shall inspect the physical plant, including residential, recreational, dining, and sanitary facilities. It shall visit all wards and treatment areas. The board shall inquire concerning all treatment programs being implemented by the facility.

(4) The board shall annually insure that a treatment plan exists and is being implemented for each patient admitted or committed to a mental health facility under this part. The board shall inquire concerning all use of restraints, isolation, or other extraordinary measures.

(5) The board may assist any patient at a mental health facility in resolving any grievance the patient may have concerning the patient's commitment or course of treatment in the facility.

(6) The board shall employ and be responsible for full-time legal counsel at the state hospital, whose responsibility is to act on behalf of all patients at the institution. The board shall insure that there is sufficient legal staff and facilities to insure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine the patient's files and records. The board may employ additional legal counsel for representation of patients in a similar manner at any other mental health facility having inpatient capability.

(7) If the board believes that any facility is failing to comply with the provisions of this part in regard to its physical facilities or its treatment of any patient, it shall report its findings at once to the professional person in charge of the facility and the director of the department, and if appropriate, after waiting a reasonable time for a

response from the professional person, the board may notify the next of kin or guardian of any patient involved, the friend of respondent appointed by the court for any patient involved, and the district court which has jurisdiction over the facility.

(8) The board shall report annually to the governor concerning:

(a) the status of the mental health facilities and treatment programs which it has inspected; and

(b) medications involuntarily administered to patients in mental health facilities and the effectiveness of the review procedure required by 53-21-127(2) in protecting patients from unnecessary or excessive medication."

Section 4. Section 53-21-127, MCA, is amended to read:

"53-21-127. (Temporary) Posttrial disposition. (1) If, upon trial, it is determined that the respondent is not mentally ill or seriously mentally ill within the meaning of this part, ~~he shall~~ the respondent must be discharged and the petition dismissed.

(2) (a) If it is determined in a proceeding under 53-21-121(1)(a) that the respondent is seriously mentally ill within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing shall be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent. At the conclusion of the disposition hearing, the court shall:

(i) commit the respondent to a facility for a period of not more than 3 months;

(ii) order the respondent to be placed in the care and custody of ~~his~~ a relative or guardian or some other appropriate place other than an institution;

(iii) order outpatient therapy; or

(iv) make some other appropriate order for treatment.

(b) No treatment ordered pursuant to this subsection may affect the respondent's custody for a period of more than 3 months.

(c) In determining which of the above alternatives to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment. The court shall consider and shall describe in its order what alternatives for treatment of the respondent are available, what alternatives were investigated, and why the investigated alternatives were not deemed suitable. The court may authorize the chief medical officer of a facility to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent and the public and to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The court shall enter into the record a detailed statement of the facts upon which it found the respondent to be seriously mentally ill and, if the court authorized involuntary medication, of the facts upon which it found involuntary medication to be necessary.

(3) If it is determined in a proceeding under 53-21-121(1)(b) that the respondent is mentally ill within the meaning of this part, the court shall order that he receive treatment for a period of no more than 30 days. The court shall choose the least restrictive course of treatment reasonably available to the respondent. The court must make a separate finding, setting forth the reason therefor if the order includes a requirement of inpatient treatment or involuntary medication. The court may not order inpatient treatment in the Montana state hospital at Warm Springs under this subsection (3). The respondent may not be required to pay for court-ordered treatment unless he is financially able.

(4) Before ordering any treatment for a respondent found to be mentally ill under subsection (3), the court shall make findings of fact that treatment appropriate to the needs of the respondent is available. The court shall also indicate on the order the name of the facility that is to be responsible for the management and supervision of the respondent's treatment. No person may use physical force to administer medication. A court may use any legal means to enforce an order to take medication, including immediate detention not to exceed 72 hours, until the mentally ill person can be returned to the court. (Terminates July 1, 1997--sec. 1, Ch. 541, L. 1989.)

53-21-127. (Effective July 1, 1997) Posttrial disposition. (1) If, upon trial, it is determined that the respondent is not seriously mentally ill within the meaning of this part, ~~he shall~~ the respondent must be discharged and the petition dismissed.

(2) (a) If it is determined that the respondent is seriously mentally ill within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing shall be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent. At the conclusion of the disposition hearing, the court shall:

(i) commit the respondent to a facility for a period of not more than 3 months;

(ii) order the respondent to be placed in the care and custody of ~~his~~ a relative or guardian or some other appropriate place other than an institution;

(iii) order outpatient therapy; or

(iv) make some other appropriate order for treatment.

(b) No treatment ordered pursuant to this subsection may affect the respondent's custody for a period of more than 3 months.

(c) In determining which of the above alternatives to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment. The court shall consider and shall describe in its order what alternatives for treatment of the respondent are available, what alternatives were investigated, and why the investigated alternatives were not deemed suitable. The court may authorize the chief medical officer of a facility to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent and the public and to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The court shall enter into the record a detailed statement of the facts upon which it found the respondent to be seriously mentally ill and, if the court authorized involuntary medication, of the facts upon which it found involuntary medication to be necessary.""

And, as amended, do pass. Report adopted.

HB 150, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "41-5-523."
Insert: "However, the committee may not substitute its judgment for that of the superintendent of a state youth correctional facility regarding the discharge of a youth from the facility."

2. Page 1, line 24.
Following: "~~a representative~~"
Insert: "two"

3. Page 1, line 27.
Strike: "a youth"
Insert: "either the chief probation officer or the youth's"

4. Page 1, line 29.
Strike: "and"

5. Page 2, line 1.
Following: "matters"
Insert: ";
(g) a parent or guardian; and
(h) a youth services provider"

6. Page 2, lines 16 and 17.
Strike: "at Mountain" on line 16 through "school" on line 17
Insert: "at a state youth correctional facility"

7. Page 2, lines 17 through 20.
Strike: ", except" on line 17 through "facility" on line 20

8. Page 2, line 22.
Following: "reviews"
Insert: "at least semiannually and at other times"

9. Page 3, line 6.
Strike: "recommend"

10. Page 3, line 7.
Strike: "another"
Insert: "make an"
Strike: "for consideration by the committee"

11. Page 3, lines 15 and 16.
Strike: "The" on line 15 through "court" on line 16
Insert: "Within 72 hours after making a decision on a placement or change of placement, the department shall notify the youth court of the decision and of the placement or change of placement"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 2/14/95
HB 362, introduced bill, be amended as follows:

1. Page 1, line 7.
Following: "ISSUE;"

Insert: "REQUIRING DISCLOSURE OF COSTS FOR ISSUING PUBLIC STATEMENTS;"

2. Page 2, line 6.
Following: "issuing"
Insert: "public"

3. Page 2, line 7.
Following: "office."
Insert: "However, a document that is published pursuant to this subsection (3)(b) and that is aimed at supporting or opposing a political committee, a candidate, or a ballot issue must include a written statement disclosing the costs incurred to produce the document. The statement must meet the specifications described in 18-7-306, and the costs must be estimated based on the factors listed in 18-7-307. Documentation of the cost of publication must be filed with the commissioner of political practices."

And, as amended, do pass. Report adopted.

HB 376, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: "Native American languages or"

2. Page 1, line 24.
Following: line 23
Insert: "(4) This section is not intended to limit the use of any other language by a tribal government. A school district and a tribe, by mutual agreement, may provide for the instruction of students that recognizes the cultural identity of Native American children and promotes the use of a common language for communication."

And, as amended, do pass. Report adopted.

HB 494, introduced bill, be amended as follows:

1. Page 1, lines 21 and 22.
Strike: "of" on line 21 through "site" on line 22
Insert: "on the north side of the capitol"

2. Page 1, line 23.
Following: "officers."
Insert: "The area must be agreed upon between the Montana highway patrol and the department of fish, wildlife, and parks and must maintain the historical design integrity of the block on which the capitol is located, also known as capitol square."

3. Page 1, line 24.
Following: "constructed"
Insert: "to consider long-term maintenance efficiency"
Following: "and"
Insert: "must be"
Following: "donations"

Insert: "."
Strike: "but"
Insert: "The memorial"
Following: "maintained"
Insert: "with the assistance of private donations"

4. Page 1, line 25.
Strike: "as provided in 2-17-111"
Following: "grounds"
Insert: "maintenance program provided in 2-17-111"

And, as amended, do pass. Report adopted.

SB 37, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/15/95

SB 264, introduced by Gage
SB 271, introduced by Burnett
SB 288, introduced by Keating
SJR 6, introduced by Brown

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 10 sponsored by Representative McCann on February 14, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 118 sponsored by Representative Devaney on February 14, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 14, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 193 sponsored by Representative Larson on February 14, 1995.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 557, introduced by Ellingson, referred to Committee on Business & Labor.
HB 558, introduced by Martinez, referred to Committee on Taxation.
HB 559, introduced by Menahan, referred to Committee on Business & Labor.
HB 560, introduced by Simon, referred to Committee on Select Health Care.
HB 561, introduced by Larson, referred to Committee on Taxation.
HB 562, introduced by Wennemar, referred to Committee on Taxation.
HB 563, introduced by Sliter, referred to Committee on State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 13, introduced by Halligan, referred to Committee on Judiciary.
SB 17, introduced by Keating, referred to Committee on Human Services & Aging.
SB 19, introduced by Gage, referred to Committee on Business & Labor.
SB 22, introduced by Gage, referred to Committee on Business & Labor.
SB 78, introduced by Grosfield, referred to Committee on Natural Resources.
SB 80, introduced by Keating, referred to Committee on Business & Labor.
SB 83, introduced by Grosfield, referred to Committee on Appropriations.
SB 103, introduced by Hargrove, referred to Committee on Highways & Transportation.
SB 114, introduced by Mohl, referred to Committee on Highways & Transportation.
SB 122, introduced by Toews, referred to Committee on Natural Resources.
SB 124, introduced by Crismore, referred to Committee on Human Services & Aging.
SB 126, introduced by Beck, referred to Committee on Taxation.
SB 129, introduced by Stang, referred to Committee on Highways & Transportation.
SB 134, introduced by Klampe, referred to Committee on Human Services & Aging.

SB 135, introduced by Cole, referred to Committee on Local Government.
SB 147, introduced by Hertel, referred to Committee on Natural Resources.
SB 151, introduced by Bartlett, referred to Committee on Business & Labor.
SB 153, introduced by Brooke, referred to Committee on Natural Resources.
SB 156, introduced by Waterman, referred to Committee on Appropriations.
SB 153, introduced by L. Nelson, referred to Committee on Highways & Transportation.
SB 167, introduced by Benedict, referred to Committee on State/Federal Relations.
SB 177, introduced by Foster, referred to Committee on Business & Labor.
SB 181, introduced by Weldon, referred to Committee on Highways & Transportation.
SB 182, introduced by Weldon, referred to Committee on Local Government.
SB 186, introduced by Beck, referred to Committee on Natural Resources.
SB 197, introduced by Gage, referred to Committee on Taxation.
SB 200, introduced by Lynch, referred to Committee on Natural Resources.
SB 201, introduced by Burnett, referred to Committee on Business & Labor.
SB 202, introduced by Jergeson, referred to Committee on State Administration.
SB 204, introduced by Grosfield, referred to Committee on Natural Resources.
SB 207, introduced by Mesaros, referred to Committee on Agriculture, Livestock & Irrigation.
SB 208, introduced by Mesaros, referred to Committee on Local Government.
SB 209, introduced by Swysgood, referred to Committee on Human Services & Aging.
SB 210, introduced by Bishop, referred to Committee on Fish & Game.
SB 216, introduced by Beck, referred to Committee on Business & Labor.
SB 217, introduced by Doherty, referred to Committee on Human Services & Aging.
SB 218, introduced by Christiaens, referred to Committee on Judiciary.
SB 221, introduced by Doherty, referred to Committee on State Administration.
SB 222, introduced by Cole, referred to Committee on Local Government.
SB 224, introduced by Christiaens, referred to Committee on Business & Labor.
SB 228, introduced by Van Valkenburg, referred to Committee on Business & Labor.
SB 231, introduced by Mesaros, referred to Committee on Natural Resources.
SB 235, introduced by Miller, referred to Committee on Taxation.
SB 238, introduced by Van Valkenburg, referred to Committee on Business & Labor.
SB 242, introduced by Gage, referred to Committee on Business & Labor.
SB 243, introduced by Wilson, referred to Committee on Business & Labor.
SB 244, introduced by Waterman, referred to Committee on Human Services & Aging.
SB 250, introduced by L. Nelson, referred to Committee on Education & Cultural Resources.
SB 255, introduced by Franklin, referred to Committee on Taxation.
SB 259, introduced by Hargrove, referred to Committee on Fish & Game.
SB 265, introduced by Beck, referred to Committee on Appropriations.
SB 268, introduced by Hargrove, referred to Committee on Highways & Transportation.
SB 269, introduced by Crippen, referred to Committee on Fish & Game.
SB 270, introduced by Burnett, referred to Committee on Human Services & Aging.
SB 272, introduced by Grosfield, referred to Committee on Judiciary.
SB 275, introduced by Devlin, referred to Committee on Business & Labor.
SB 278, introduced by Brooke, referred to Committee on Judiciary.
SB 279, introduced by L. Nelson, referred to Committee on State Administration.
SB 284, introduced by Van Valkenburg, referred to Committee on State Administration.
SB 286, introduced by Franklin, referred to Committee on Judiciary.
SB 289, introduced by Brooke, referred to Committee on Agriculture, Livestock & Irrigation.
SB 291, introduced by Gage, referred to Committee on Education & Cultural Resources.

SB 297, introduced by Doherty, referred to Committee on Judiciary.
SB 302, introduced by Jabs, referred to Committee on Business & Labor.
SB 305, introduced by Mesaros, referred to Committee on Taxation.
SB 319, introduced by Hertel, referred to Committee on Agriculture, Livestock & Irrigation.
SJR 8, introduced by Emerson, referred to Committee on State Administration.
SJR 10, introduced by Harding, referred to Committee on Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 309 - Representative Grimes moved HB 309 do pass.

Representative Wyatt moved consideration of HB 309 be placed below HB 315 on the second reading board. Motion carried.

Representative Ahner excused at this time.

HB 322 - Representative Hibbard moved HB 322 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Cocchiarella, Heavy Runner.
Total 2

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.
Total 0

Absent or not voting: Herron, Keenan, Martinez, Nelson, Shea.
Total 5

HB 323 - Representative Ryan moved HB 323 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Barnhart, Cocchiarella, Ellingson, Heavy Runner, Shea.
Total 5

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 315 - Representative Harrington moved HB 315 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Ahner, Galvin, Schwinden, Tropila, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 309 - Representative Wyatt moved HB 309, second reading copy, be amended (amendment #1). Amendment #1 failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, Harper, Harrington,

Hurdle, J. Johnson, Kadas, Kottel, Larson, McCann, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.
Total 33

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 65

Voted Absentee: Galvin, Tropila, Ayes.

Excused: Ahner, Schwinden.
Total 2

Absent or not voting: None.
Total 0

Representatives Galvin and Tropila present at this time.

Representative Grimes moved HB 309 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 69

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Galvin, Hagener, Harper, Harrington, Hurdle, Kadas, Kottel, Larson, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.
Total 31

Voted Absentee: Ahner, Schwinden, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 345 - Representative R. Johnson moved HB 345 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark,

Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Bergsagel, Cobb, Fuchs, Kasten, Rehbein.
Total 5

Voted Absentee: Ahner, Schwinden, Ayes.

Excused: None.
Total 0

Absent or not voting: Grady, Murdock.
Total 2

HB 354 - Representative Mills moved HB 354 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Arnott, Boharski, Brainard, Denny, Feland, Harper, R. Johnson, Jore, Kasten, Peck, Raney, Schwinden, Story, Vick.
Total 14

Voted Absentee: Ahner, Aye; Schwinden, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Ahner present at this time.

HB 355 - Representative Rehbein moved HB 355 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark,

Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Arnott.
Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Forbes, R. Johnson, Simon, Simpkins, Wennemar.
Total 5

HB 371 - Representative L. Smith moved HB 371 do pass. Motion failed as follows:

Ayes: Ahner, Anderson, Bergman, Boharski, Brainard, Carey, Clark, Curtiss, DeBruycker, Fisher, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, Keenan, Kottel, Martinez, McCulloch, McGee, Mills, Nelson, Orr, Ryan, Schwinden, Shea, Sliter, L. Smith, S. Smith, Swanson, Tash, Wells, Wiseman, Wyatt.
Total 36

Noes: Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Hagener, Hayne, Heavy Runner, Herron, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Larson, Marshall, Masolo, McCann, McKee, Molnar, Murdock, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Simon, Simpkins, Soft, Somerville, Squires, Story, Stovall, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wennemar, Zook, Mr. Speaker.
Total 63

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Menahan.
Total 1

HB 444 - Representative Harper moved HB 444, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 16.
Page 5, line 7
Following: "CONDUCT"
Insert: "with an animal"

Following: IN
Insert: "45-2-101 and prohibited under"

Amendment #1 passed as follows:

Ayes: Anderson, Barnhart, Bergsagel, Bohlinger, Carey, Cocchiarella, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Galvin, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Pavlovich, Peck, Raney, Ream, Rose, Ryan, Shea, Simon, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 57

Noes: Ahner, Arnott, Barnett, Bergman, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Forbes, Fuchs, Green, Grimes, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Knox, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Quilici, Rehbein, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Vick, Wagner, Wells.
Total 40

Excused: Schwinden.
Total 1

Absent or not voting: Keenan, McCann.
Total 2

Representative Harper moved HB 444, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Bergsagel, Kasten, Knox.
Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

HB 311 - Representative Grinde moved HB 311 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Schwinden.
Total 1

Voted Absentee: Schwinden, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 332 - Representative Clark moved HB 332 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Mr. Speaker.
Total 94

Noes: Barnhart, Galvin, Heavy Runner.
Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: McCann, Nelson, Zook.
Total 3

HB 389 - Representative Larson moved HB 389 do pass. Motion carried as follows:

Ayes: Arnott, Barnett, Bergsagel, Bohlinger, Brainard, Carey, Curtiss, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner,

Holland, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, Soft, Story, Stovall, Tash, Taylor, Tropila, Wennemar, Wiseman, Zook, Mr. Speaker.
Total 62

Noes: Ahner, Anderson, Barnhart, Bergman, Boharski, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Ewer, Galvin, Green, Grimes, Harper, Herron, Hibbard, Hurdle, J. Johnson, Kadas, Keenan, Marshall, McGee, Mills, Raney, Ream, Simpkins, S. Smith, Somerville, Squires, Swanson, Trexler, Vick, Wagner, Wells, Wyatt.
Total 36

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Molnar, Tuss.
Total 2

HB 436 - Representative Kottel moved HB 436 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Barnett, Boharski, DeBruycker, Denny, Feland, Fisher, Grimes, Jore, Kasten, Keenan, Menahan, Rehbein, Simon, Sliter, Vick, Wagner, Wells.
Total 17

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Arnott, Molnar.
Total 2

HB 442 - Representative H. Hanson moved consideration of HB 442 be passed for the day. Motion carried.

HB 100 - Representative H. Hanson moved consideration of HB 100 be passed for the day. Motion carried.

HB 467 - Representative Green moved HB 467 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark,

Curtiss, DeBruycker, Denny, Devaney, Ellis, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Ohs, Orr, Peck, Ream, Rehbein, Rose, Ryan, Schwinden, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Harper, Hurdle, Kadas, Menahan, Nelson, Pavlovich, Quilici, Raney, Shea.
Total 16

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Green, Simon, Story, Trexler.
Total 4

HB 65 - Representative McKee moved consideration of HB 65 be passed for the day. Motion carried.

HB 84 - Representative Story moved HB 84 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Hurdle.
Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Ellis, Herron.
Total 2

HB 117 - Representative Anderson moved HB 117 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Feland, Jore.
Total 2

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative S. Hanson moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McGee moved that the Committee of the Whole report be adopted. Report adopted. (91-6)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 89 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Boharski, Brainard, DeBruycker, Feland, Jore, Keenan, McGee, Orr, L. Smith, S. Smith, Vick, Wagner, Wells.
Total 13

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde, Simpkins.
Total 2

HB 110 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Larson, Marshall, Martinez, Masolo, McCann, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Rehbein, Rose, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 69

Noes: Barnhart, Bergsagel, Carey, Cobb, Cocchiarella, Ellingson, Ewer, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kadas, Kottel, McCulloch, Menahan, Ohs, Peck, Quilici, Raney, Ream, Ryan, Shea, Squires, Swanson, Tropila, Tuss, Wennemar.
Total 30

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

HB 122 passed as follows:

Ayes: Anderson, Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Ellingson, Elliott, Ewer, Feland, Fisher, Fuchs, Galvin, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCann, McCulloch, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Sliter, Squires, Swanson, Trexler, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.
Total 51

Noes: Ahner, Barnett, Bergman, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Forbes, Grady, Green, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Masolo, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simpkins, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Vick, Wagner, Wiseman, Mr. Speaker.
Total 49

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 157 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Cocchiarella, Ellingson, Kasten.
Total 3

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Grimes, Ohs.
Total 2

HB 214 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Ellingson.
Total 1

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Menahan.
Total 1

HB 245 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Kottel, Larson, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Barnett, Boharski, Brainard, DeBruycker, Denny, Green, M. Hanson, Hayne, Jore, Keenan, Knox, Marshall, Martinez, Molnar, Murdock, Taylor, Vick, Wagner, Wells.
Total 19

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 368 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Wells, Wennemar, Wiseman, Zook, Mr. Speaker.
Total 88

Noes: Arnott, Bergman, Elliott, Heavy Runner, Hurdle, McCann, Murdock, Pavlovich, Quilici, L. Smith, Tuss, Wyatt.
Total 12

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 375 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Curtiss, Feland, Jore, Kasten, Keenan, Orr, Rehbein, Ryan.
Total 8

Voted Absentee: Schwinden, Aye.

Excused: None.
Total 0

Absent or not voting: Grady.
Total 1

MOTIONS

HB 444 - Representative DeBruycker moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Somerville moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Feland moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

HB 110 - Representative Tropila moved he be allowed to change his vote on HB 110, third reading, from aye to nay. Motion carried.

HB 444 - Representative Sliter moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative Jore moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried. (68-30)

HB 444 - Representative T. Nelson moved he be allowed to change his vote on HB 444, second reading, from aye to nay. Motion carried.

Representative L. Smith moved she be allowed to change her vote on HB 444, second reading, from not voting to nay. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS & LABOR (Simon, Chairman): 2/14/95
HB 475, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "through"
Strike: "(8)"
Insert: "(9)"

2. Page 1, line 26.
Following: "through"
Strike: "(6)"
Insert: "(7)"

3. Page 2, following line 19.
Insert: "(5)(a) The Montana land title association shall establish the Montana land title foundation for the administration of the funds generated by the interest on trust accounts program for the following purposes:

(i) to support Montana nonprofit charitable organizations;

(ii) to provide continuing education programs for licensed title insurance agents; and

(iii) to promote knowledge and awareness of the real estate and title insurance industries.

(b) The foundation shall establish bylaws for the administration of the foundation in accordance with subsections (5)(a)(i) through (5)(a)(iii)."

Renumber: subsequent subsections

4. Page 3, lines 3 and 4.
Following: "for the" on line 3
Strike: "following"
Following: "purposes"
Insert: "set forth in subsections (5)(a)(i) through (5)(a)(iii)"
Following: "appropriate"
Strike: ":"
Insert: "."

5. Page 3, lines 5 through 8.
Strike: subsections (a) through (d) in their entirety

And, as amended, do pass. Report adopted.

HB 498, introduced bill, be amended as follows:

1. Page 1, lines 20 through 23.
Strike: "should" on line 20 through "program" on line 23
Insert: "not impose additional burdens on the regulated community beyond federal requirements, while recognizing that the state program need not be identical to or administered and enforced in an identical manner to the federal program"

2. Page 2, line 15.
Strike: "form"
Insert: "from"

3. Page 2, lines 24 and 25.
Strike: "may" on line 24 through "requirements" on line 25
Insert: "not more stringent than federal law"

4. Page 2, line 26.
Following: "rules"
Strike: "must"
Insert: "may"

5. Page 3, line 14.
Following: "interior"
Strike: "building"
Insert: "and exterior"

6. Page 4, line 10.
Strike: "prior to July 1, 1996,"

7. Page 4, line 14.
Following: "department"
Insert: "and based on rules adopted by the U.S. environmental protection agency"

8. Page 4, line 19.
Strike: "After June 30, 1996, a"
Insert: "A"

9. Page 4, line 21.
Following: "rule"
Insert: "and in conformance with rules adopted by the U.S. environmental protection agency"

And, as amended, do pass. Report adopted.

HB 499, introduced bill, do pass. Report adopted.

HB 502, introduced bill, do pass. Report adopted.

HB 536, introduced bill, be amended as follows:

1. Page 3, line 11.
Following: "same"
Strike: "administrative, financial, and"

2. Page 4, line 22.
Following: ";"
Strike: "and"

3. Page 4, line 24.
Following: "board"
Strike: "."
Insert: "; and (6) shall provide oral pharmaceutical consultation, as provided in 37-7-706, to the person to whom the prescription is being sent and shall document and maintain for a reasonable length of time a record of the pharmaceutical consultation."

And, as amended, do pass. Report adopted.

HB 537, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "THE MAXIMUM ALLOWABLE NUMBER OF"

2. Page 1, lines 11 and 14.
Strike: "the maximum number of"

3. Page 1, line 18.
Strike: "a gambling"
Insert: "an on-premises alcoholic beverages"
Following: "was"
Insert: "granted or"
Strike: "September 1, 1994"
Insert: "January 1, 1995"

4. Page 2, lines 11 and 12.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

5. Page 2, line 15.
Following: "businesses;"
Insert: "or"

6. Page 2, line 16.
Strike: subsection (iii) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 488, introduced bill, be amended as follows: 2/15/95

1. Page 3, line 10.
Following: "insurer"
Strike: "or its agent"

And, as amended, do pass. Report adopted.

HB 527, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 2/15/95
HB 357, introduced bill, do pass. Report adopted.

HB 482, introduced bill, do pass. Report adopted.

HB 547, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Boharski, Chairman): 2/15/95
HB 231, introduced bill, do pass. Report adopted.

HB 259, introduced bill, do pass. Report adopted.

HB 270, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "the"
Insert: "that owner's"

And, as amended, do pass. Report adopted.

HB 289, introduced bill, be amended as follows:

1. Title, line 6.
Following: "UTILITIES;"
Insert: "ELIMINATING THE REQUIREMENT FOR AN ANNUAL REPORT;"

2. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "69-7-102"
Insert: "AND 69-7-121"

3. Page 1, line 22.
Strike: "Section"
Insert: "Sections"
Following: "69-7-102"
Insert: "and 69-7-121"
Strike: "is"
Insert: "are"

And, as amended, do pass. Report adopted.

HB 398, introduced bill, do not pass. Report adopted.

HB 417, introduced bill, do pass. Report adopted.

HB 421, introduced bill, do pass. Report adopted.

HB 425, introduced bill, do pass. Report adopted.

HB 530, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "county"
Strike: ","
1Insert: "or an incorporated"
Following: "city"
Strike: ","
Following: "town"
Strike: "as defined in 2-7-501(7)"

2. Page 1, line 28.
Strike: "auditing"
Insert: "accounting"

3. Page 1, lines 29 and 30.
Strike: "and" on line 29 through "accounting" on line 30

4. Page 2, line 1.
Strike: "method"

5. Page 2, line 13.
Strike: "federal"
Insert: "governmental"
Strike: "advisory"

6. Page 2, line 29.
Following: "hearings"
Insert: ", pursuant to the provisions of 7-1-2121 or 7-1-4127,"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman): 2/15/95
HB 176, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO"

2. Title, line 9.
Following: "~~MCA;~~"
Insert: "PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, lines 27 and 28.
Strike: "STATE" on line 27 through "USED" on line 28

Insert: "account established in [section 2]"

4. Page 1, line 29.
Insert: "NEW SECTION. Section 2. Account established for court information technology -- statutory appropriation. (1) There is an account in the state special revenue fund for state funding of court information technology.

(2) Money collected pursuant to [section 1] must be deposited in this account.

(3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the supreme court to be used for state funding of court information technology.

Section 3. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901; [section 2]; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403; 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates July 1, 1995.) ""
Renumber: subsequent sections

5. Page 3, line 8.
Following: "~~(1)~~"
Insert: "(1)"

6. Page 3, line 12.
Insert: "(2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the provisions of Title 3, chapter 5, part 9, apply to [section 2]."

7. Page 3, line 13.
Following: "date"

Insert: " -- termination date"
Following: "date."
Insert: "(1)"

8. Page 3, line 14.
Insert: "(2) [This act] terminates June 30, 1999."

And, as amended, do pass. Report adopted.

HB 424, introduced bill, be amended as follows:

1. Page 1, line 17.
Strike: "taxes"
Strike: "and"

And, as amended, do pass. Report adopted.

HB 449, introduced bill, be amended as follows:

1. Page 3, line 23.
Strike: "state auditor"
Insert: "department of revenue"

2. Page 3, line 24.
Strike: "agencies. The state auditor"
Insert: "the state. The department"

3. Page 3, line 25.
Page 3. line 28.
Page 4, line 2.
Strike: "state auditor"
Insert: "department"

4. Page 3, line 30 through page 4, line 1.
Strike: "A" on page 3, line 30 through "office." on page 4, line 1

5. Page 5, line 24.
Following: "delinquent,"
Insert: "either proceed under subsection (7) or"

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Thursday, February 16, 1995. Motion carried.

House adjourned at 3:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on March 2, 1995, at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 275, HB 574, SB 243, SB 201, SB 302
Executive Action: SB 243, SB 302, SB 38, SB 275

HEARING ON SB 275

Opening Statement by Sponsor:

SEN. GERRY DEVLIN, SD 2, Prairie County, said this bill puts a graduated stalemate in the licensing of fees for nurseries.

Proponents' Testimony:

Greg Chadwick, Vice President, Montana Nurserymans Association, said they supported this bill.

Gary Gingery, Montana Department of Agriculture, said they supported this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. ALVIN ELLIS said the window in the bill stated a figure of $5000 and amended down to $3000. A 10% license fee is excessive for a person of $1000 gross sales. It makes it unprofitable. What was the justification for lowering that figure. **Mr. Devlin** said there were negotiations made while drafting the bill the amount was lowered. **Mr. Chadwick** said by having inspections on the crops there is protection.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 574

Opening Statement by Sponsor:

REP. WILLIAM REHBEIN, HD 100, Richland County said this bill is a liquor privatization proposal. The difference in this bill was evolved in its preparation by representatives from major groups which would be affected by its passage.

Proponents' Testimony:

Mick Robinson, Director, Department of Revenue gave a detailed explanation of the bill. He also provided a description of the state liquor retail privatization proposal which included background, what was proposed and how will retail privatization be accomplished, why privatization was intended, will the price of liquor change, will the variety of liquor products change, will the number of agency liquor stores change, what days and hours can agencies be open, how will an agent's commission rate be established, how do agents get paid their commissions, how do agents get compensated for full case discount sales, how will agents purchase the in-store inventory currently owned by the state and what happens to state employees affected by this legislation. **EXHIBIT 1**

Bob Gilbert, Montana Agency Liquor Store's Association, said this bill was based upon the Agency Liquor Franchise Act of 1993 which

took the state from a three-year contract where bidders could bid against the agents. Whoever received the low bid received the contract regardless of a person in business or a person out of business. There was no option for the current agent to retain their business and match that bid. That was changed in 1993. The group supported the concept. One of the positive points of the bill is the purchase of the stock interest free. Some members of the organization do not support the bill. The alternatives are not good.

Mark Staples, Montana Tavern Association, said the state must take some degree of privatization with full conversion to agency stores.

Dave Brown, Restaurant and Lounge Coalition, proposed some amendments to the bill. He also stated as with all businesses in Montana, the restaurant and lounge industry is dependent on decisions of state government. Timeliness in government decision making plays a significant role in the success or failure of business, whether it be coal or hard rock mining, water quality or health matters, agriculture, or any other aspect of the mix of business and regulatory compliance. The Department of Revenue is bound by only one time which would be consistent in making decisions on granting or denying new liquor licenses or the transfer of existing ones. Government must be responsive to private sector investment and capital outlay. **EXHIBITS 2 and 3**

REP. LARRY GRINDE, HD 94, Fergus County, said the saga of liquor privatization moves on one more time. It is time to settle the situation. He described the negotiations involved in the drafting this bill. The state employees involved in the state stores were considered in this bill also. These agents came out with everything possible that could be done with privatization. They have first refusal, they will receive insurance and many other benefits. The Tavern Association was well represented and came with honesty and dealt with the situation. The union representatives were also in attendance. The last meeting attended by the union members indicated their approval of the bill. There was 100% say in this bill from every sector that was involved. The union people are not satisfied.

Opponents' Testimony:

Don Judge, Montana State AFL-CIO, said they opposed this bill. Although organized labor remains opposed to privatization of the state's liquor store system, they were also responsible for the drafting of the bill. This bill does represent a much better and well thought out method for privatizing the system than any previously considered legislation. However, this bill would secure the right of first refusal for current employees to purchase the state stores. This will result in employees losing their jobs, suffer possible loss of retirement and suffer economic dislocation as a result. Whenever that happens, the collateral impact can include family breakups, increased health

problems and greater reliance on public assistance. This bill will not increase revenue to the state. This bill also limits and caps the percentage of profits which may be made by the newly privatized stores, as well as current agency stores. There is the possibility of reducing the variety and availability of exotic spirits to the consuming public. **EXHIBIT 4**

TAPE 1, SIDE B

Brian Harris, Northwest Regional Director, Distilled Spirits Council, said they were not in opposition to the concept. They opposed the bill because distillers under the bailment system would delay payment for the product to distillers for thirty days. This bill would carry that time limit to sixty days. The distillers provide the state with their product and don't get paid for sixty days. Retailers are required to pay within seven days. If retailers purchase liquor from state agencies they are required to pay upon purchase. The consumer pays immediately. There is no other industry that is being asked to provide and supply their product for distribution and sale and wait sixty days to be paid. That is unfair. The industry was never on the committee. A consumer pays 57% for taxes on liquor. The variety of liquor will go down considerably.

Mary Schuler, Manager #8, Livingston, said the state, with this bill, still controls the warehouse, sets the frequency of delivery, maintains a 40% markup, sets the retail price, denies advertising even on sales, approves the size and location of the store, controls the products that can be carried in the store, establishes the percentage of the sales to the licensees as it does now. This is not a privatization.

Mark Asbury, Agency 171, Wilsall, said he provides the agency store for the community of Wilsall as a service to the community. He has no objection to the bill as it stands or the thought of privatization. He wished to amend the bill to increase the commission and the length of time to buy out the initial inventory. The state is saving money by this bill. None of the savings are being passed on to the retail outlets to promote growth, cover the cost of money, provide any return on investment or make an agency a desirable business to operate. Commissions should be increased to 18%, eliminate case discounts to the agency, increase buyout of inventory to three years with full bonding for this period. This is not privatization, this is merely a shifting of the inventory liability. **EXHIBIT 5**

Ed Rizer, Clerk, Agency 9, Bozeman, said the last time this issue was brought forth in the legislature, the Department of Revenue was handed a legislative mandate stating if the stores made at least a 10% profit the privatization would not occur. The remaining stores have done this yet privatization will occur in this bill. He then said the Governor could not sign this legislation because it abolishes union representation and any benefits to the workers. This is a right-to-work in disguise.

Dan Felska, Agency 33, Conrad, said he was not against privatization but there is no incentive with this bill. This bill will end up costing the state more than what it is doing today in trying to find vendors.

Bea Lunda, Agency 29, Shelby, said 10% commission is not sufficient to operate an agency store. The delivery of liquor from agency stores needs to be struck from this bill and agencies need to continue to operate as they presently do. Licensees are in need of additional discount for quantity purchases. The method of paying the agents must be adjusted to cover additional sales anticipated by this further reduction in price. **EXHIBIT 6**

George Hagerman, Executive Director, American Federation of State, County and Municipal Employees, AFL-CIO, said they do not represent workers who will be affected by this privatization bill. This legislation does not promote or protect the public interest, it does not save the public any money or in any way benefit the public. Liquor division employees have made money for the state, both in the liquor stores and the liquor warehouse. Jobs will be privatized by this bill under the guise of saving the public money and improving services to the public. **EXHIBIT 7**

Informational Testimony:

Joseph Gough, EXHIBIT 8; Sandra Lee, EXHIBIT 9; Gary Crane, EXHIBIT 10

Questions From Committee Members and Responses:

REP. BOB PAVLOVICH said he had been in the business over 41 years. If he should want to apply for an agency store and is accepted, which may default if he should want to sell it, what happens. **Mr. Robinson** said yes he could become the owner of an agency store. He said he would be pre-empted under the bill from doing both; owning a retail liquor license as well as owning a retail liquor store. He could not do both. He must either resell the liquor license a second time or move out of the agency franchise.

REP. PAVLOVICH questioned the prohibiting of grocery stores from having liquor. **Gary Blewett, Administrator, Liquor Division, Department of Revenue,** said the current law unchanged which states any community over 3000 population, an agency may not be located in or adjacent to a grocery store. The law does allows an agency liquor store to be located in a grocery in communities that are smaller.

REP. GRINDE (Ex-officio member of the Committee) said as these negotiations were commencing, **Mr. Thomas** was present at all times, sitting in the back of the room. He asked him to tell the committee about the process and what he felt about drafting of this legislation. **Leo Thomas, Agency #1, Helena,** said the way

the situation was handled the job was done well. He said he had a problem with the privatization. It is not really privatization. All that is being accomplished is shifting full time employees out of jobs into privatization. The whole operation which they have done was a good job. He felt the dollar amount that smaller stores are talking about is too low. If they are going to privatize by getting out of the system the state should collect the tax dollar and let the people operate. They cannot control the dollar and the people and call this privatization.

REP. GRINDE said he agreed this was not true privatization. If they did go to true privatization and these stores were put out without first option. **Mr. Thomas** said if that would happen he said they would have to agree with that. He said he was, at the present time, looking to take the store over. He said he was not going to deny that. They do not adjust prices, they buy and sell as the state dictates, if the state decides the agency operation is not to their specifications, they may stop the operation.

REP. GRINDE said after watching these negotiations and going to these meetings, he asked if he still intended to be an agency store? **Mr. Thomas** said yes.

REP. GRINDE said he had been confused by some of the testimony. The opponents indicated the spirit of alcohol was bad for society and this will create more problems with alcoholism. Then it was stated people would not have their favorite beverage. Can it be both ways? **Mr. Judge** said the only way for these people to make a profit would be to encourage increased consumption of alcohol. Under the current way the bill is drafted, if the profit level is limited to six, eight, ten percent of the stores' gross income, the only way to improve return is to sell more liquor. He then said the other side of that spectrum is for the customer in the decrease in the variety and quantity of selection which is available. That will come about with two reasons. The Liquor Division is going to downsize the current inventory at those stores and getting rid of "cats and dogs," the things that don't turn over on a routine regular basis which will mean the customer will see less of a variety unless they special order.

REP. GRINDE said he felt it was agreed by all parties that most of these things the agencies themselves agreed upon were not needed. **Mr. Judge** said that was accurate. The Department indicated there might be a considerable amount in terms of dollars. It was going to bring down the actual cash income in the state upon privatization to something in the neighborhood of $3 million than $4 million.

REP. GRINDE said he would agree this is not pure privatization. What would pure privatization be in the liquor business? **Mr. Judge** said it would be cause in the state of Montana. Some of the opponents who had testified from the agency stores and not from the state stores outlined the difficulty they will have in

continuing to operate those agency stores if they are required to purchase the inventory at the end of eighteen months. There is no way to privatize those stores and not cost the state money and not raise the price to the consumer. It will create some opposition from the tavern owners.

REP. GRINDE said he was aware of the reasons against privatization. Under pure privatization, what would the union people in the state owned stores do? **Mr. Judge** said most of these people would be looking for other jobs. There would be a greater potential for a monopolistic, large money, political posture in the state.

REP. LARSON stated, as a point of order, asked the committee to return to the body of the bill. There are many other committee members with questions.

REP. GRINDE said he would be glad to yield and felt the discussion was on the body of the bill. He then said the reason for not drafting for pure privatization, and he agreed with all of the statements, was to help state employees or union members have a first chance to take these stores over, be employed so they would not be put out on the street. **Mr. Judge** said that was a piece from labor's perspective. The Tavern Owners Association did not want pure privatization because they felt predatory practices with regard to pricing availability, delivery and service might impact specific tavern owners into the favor of others and the detriment of some and the current agency stores were opposed because they felt simply granting anybody the opportunity to have a license is going to devaluate the current agencies. They have the ability to make an income.

REP. GRINDE said he would yield to **REP. LARSON** although he said he felt his questions were very pertinent to what went on. This bill was set up to satisfy everybody and finding the problem with it would go against the bill which they helped to write.

REP. OHS asked if there was a provision which the state would buy back liquor which is not sold over a certain period of time. **Mr. Blewett** said all of the inventory that is out in the state stores is owned by the state. There are some volumes that will not sell and the state does pull that back.

REP. LARSON asked what if an agent does not want to buy the store or the state employee cannot buy the store? **Mr. Blewett** said the procedure currently in place is to advertise in the newspaper, both in the locality and nearby areas that the agency is available and are requesting bids or proposals depending upon the size of the store. **REP. LARSON** asked where in the bill did it prohibit a beer and wine wholesaler or grocer from bidding on that store.

TAPE 2, SIDE A

Bruce McGinnis, Legal Division, Department of Revenue said grocery stores, on page 16 of the bill, stated the same type or prohibition against putting agency stores into or adjacent to grocery stores in communities with a population of 3000 or more is retained. A commission store could be placed in a grocery store if the population of the community was 3000 or less. There is a provision in the bill which is new language and would prohibit anybody who has any other type of liquor license or alcoholic beverage license of any kind, could not have ownership interest in an agency.

REP. LARSON said when negotiations for commissions are done will the existing contracts be honored. **Mr. Blewett** said yes. **REP. LARSON** asked how the contracts were negotiated. **Mr. Blewett** said they would not be negotiating. Their current commission rate would continue with the current agent. If they are a new agency that is rolling over to an employee that has already been calculated it is premised in law and is based on the current cost of operating store dividends by the gross sales in that store in FY94.

REP. ELLINGSON said there is a 16-month period for the payment of monthly installments of the initial inventory. Must there be payments spread over the 16 months of time or as the inventory is used is there a requirement that payment should be made. **Mr. Robinson** said the payment does not necessarily need to be made as the inventory is sold. It allows for interest-free financing of that inventory over 18 months. **REP. ELLINGSON** said in the final analysis there is a positive cash flow to the state as a result of this change to the system. That is predicated upon the accuracy of the projected operating expenses. Is that an accurate figure and what anticipated increases in operating expenses are shown. **Mr. Robinson** said the increase in operating expenses is simply an accounting chain because they are moving from a system which is a state-operated system.

REP. EWER asked what the sense of the intention was where the state was going as far as the financial impact to the state should be. **REP. GRINDE** said $4 million is going into the general fund. That is the key to the legislation. The rest of the money was to try to work as finances. The employees have a great opportunity. These stores can sell other things besides liquor. **REP. EWER** said the gain to the state is the one-time money gained from selling the inventory. The profit which the state had been capturing will go down. Has the fiscal impact of the state been analyzed from 1998. **REP. GRINDE** said the state is going to put up the $4.5 million. There will still be the liquor taxes, selling at a wholesale and they will still be getting revenues.

REP. ELLIS questioned the reduction of tax on inventory and the effect it would have on the state. **Mr. Robinson** said the profitability would be an add on to an ongoing business.

CHAIRMAN SIMON wanted to clarify when a product is received from the distillery is the freight costing added. There is also a 10% and 16% license tax and an excise tax and then the 40% markup. **Mr. Blewett** said it was the reverse. After freight there is a 40% markup and on top of markup there is a 26% tax, 10% of which is the license.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 243

Opening Statement by Sponsor:

SEN. BILL WILSON, SD 22, Cascade County, said this bill simply updates the skiers responsibility code to encompass snow boarders. The old skiers responsibility code that is mandatory for every ski area to possess is posted in a prominent location.

Proponents' Testimony:

Pat Melby, Montana Skiers Association, said he supported this bill.

Opponents' Testimony:

None.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 243

Motion/Vote: **REP. JACK HERRON MOVED SB 243 BE CONCURRED IN. Motion carried 18-0.**

HEARING ON SB 201

Opening Statement by Sponsor:

SEN. JIM BURNETT, SD 12, Carbon County, said this bill concerns mining safety for workmen. The bill was originally drafted which would allow the company to test an employee for drugs following an accident which has caused a person personal injury or property damage exceeding $500. He then distributed amendments.

Proponents' Testimony:

Ward Shanahan, Stillwater Mining Company, said this is an important issue for the company. Drug testing of employees in a country like the United States is a complicated problem. This is because it not only involves the company's concern for work place safety, a decent social and work environment for its employees, lost time accidents, and work disruption and loss of efficiency and earnings, but it also involves the personal privacy rights, the civil rights of the employees. These must be personally and legally respected and safety methods must be designated with these considerations in mind. The mere happening of an accident that causes death or personal injury should be sufficient cause to allow an employer to require "drug testing" as a condition for continued employment following a serious accident. **EXHIBIT 11**

Chris Allen, Manager of Safety and Environmental Affairs, Stillwater Mining Company, provided statistics from a major contractor. At the present time, the size of their operation is 2000 tons a day. PIC is the general contractor which is a nation-wide contractor and they operate in all states. They have provided statistics. In states where it is allowed, they do drug testing for cause and random drug testing. Stillwater is not interested in doing random testing but are simply interested in testing individuals when there is an accident. The genesis of this bill came about in March 1994 when Stillwater had a seminar for all of its employees on how to determine if somebody is under the influence of drugs. The upshot of that seminar or the way of certain detection was to look at the size of their pupils. He then provided a letter from the Industrial Company Wyoming, Inc. and an impairment indicator for supervisors list. **EXHIBITS 12 and 13**

REP. ALVIN ELLIS favored the bill.

Jim Tutweiler, Montana Chamber of Commerce said this bill will be beneficial to many Montana businesses. He also said the human resource is by far the most important asset. This bill will benefit other employees who are not a victim of drug usage in that having this kind of measure in place will promote a safer work place. It is not the managers who will be injured, it is other workers that are going to be as risk. If accidents can be reduced and accidents dealt with in a forward way, there can be an impact on productivity which is a factor which all can share in. The bill is a win/win for people at the working and management level and combined together.

TAPE 2, SIDE B

Don Allen, Wood Products Industry, said there are real dangers involved in terms of the preciseness of the movement of the parts of various things people are working with. Safety in the work place is a key part in any legislation in terms of trying to make it safer and cut the costs.

REP. NORM MILLS said he favored the bill.

Opponents' Testimony:

Don Judge, Montana AFL-CIO, said this legislation is unnecessary. Not one specific example was pointed out to the committee by any of the proponents. His organization does not condone drug usage, they understand that one person's drug usage on the job provides a dangerous situation for other employees who are working with that specific employee. There is a situation where the employers are asking for a license which may be used unfairly and perhaps abusively against the work force. Under current law an employer, if he has reason to believe that an employee's faculties are impaired on the job as a result of alcohol consumption or illegal drugs, can require a test. They think this is poorly drafted legislation and is not needed. The sponsors have not demonstrated a need for this legislation.

Questions From Committee Members and Responses:

REP. ELLIS asked if it were possible that every time they had come before the committee concerning safety issues they have testified in a manner which places all of the responsibility for safety on the employer and almost none on the employee. **Mr. Judge** said no. He indicated he had said it was the employee's responsibility to participate in that process. Employees have a great responsibility for promoting a safe workplace.

REP. ELLIS said that placing the threat of testing on employees is a huge difference on the risk they are going to be willing to take with drugs before they go to work. **Mr. Shanahan** said that was the intent.

REP. CARLEY TUSS asked what their experience was with personal stress. **Chris Allen** said there was one accident regarding personal stress. The employer is not notified by the employee he is going to EAP.

REP. JON ELLINGSON said under the current statute they may require anyone to submit to a blood or urine test in hazardous work environments and questioned if Stillwater fell under that statute. **Chris Allen** said it was hazardous. **REP. ELLINGSON** said if that were the case and employees could be tested why is the additional legislation necessary. **Chris Allen** said currently there was a presumption that the person requesting the test has to presume an impairment exists.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 302

Opening Statement by Sponsor:

SEN. REINY JABS, SD 3, Big Horn County, said this bill was a territorial integrity act which was being amended. This has long been an issue of concern between electric cooperatives and investor-owned utilities providing electric service to Montana. An unnecessary and costly duplication of distribution facilities has an impact on electric rates paid to consumers. This legislation is an attempt to avoid this wasteful practice. All entities are trying to put a mechanism in place that will allow for sensible resolutions to differences in disputed areas. It has long been recognized that negotiated agreements between industrial owned utilities and properties are an allowable way to dissolve differences. This bill would allow agreements between suppliers in the service areas.

Proponents' Testimony:

Jay Downan, Electric Cooperatives Serving Montana, said they work with Montana Power to develop this bill which will be good for consumers and good for utilities and expands the ability to negotiate with each other.

John Murphy, Montana Power Company, said they supported this bill.

REP. NORM MILLS supported this bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 302

Motion/Vote: REP. MILLS MOVED SB 302 BE CONCURRED IN. Motion carried 18-0.

EXECUTIVE ACTION ON SB 38

Motion/Vote: REP. ELLIS MOVED SB 38 BE REMOVED FROM TABLE. Motion carried 18-0.

CHAIRMAN SIMON relinquished the chair to **VICE CHAIRMAN MILLS.**

Discussion:

REP. SIMON explained the amendments on the bill.

Andy Poole, Deputy Director, Department of Commerce explained the bill further and also explained the amendments.

REP. EWER asked if these rules are already in the Department of Commerce. **Mr. Poole** said every year guidelines are adopted and become rules. The application guidelines include the criteria necessary. **REP. EWER** said then the criteria are rules. **Mr. Poole** said yes. **REP. EWER** asked if there was a public hearing requirement for CDBG applications. **Mr. Poole** said yes. **REP. EWER** asked if there would be a public hearing requirement for these loans? **Mr. Poole** said there would not be.

REP. SIMON said he wished to suspend this discussion.

VICE CHAIRMAN MILLS relinquished the chair back to **CHAIRMAN SIMON.**

EXECUTIVE ACTION ON SB 275

Motion/Vote: REP. PAVLOVICH MOVED SB 275 BE CONCURRED IN. Motion carried 18-0.

ADJOURNMENT

Adjournment: 12:10 PM.

BRUCE T. SIMON, Chairman

ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL DATE 3-2-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority			
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella			
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		

HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 243** (third reading copy -- blue) **be concurred in**.

Signed: _____
Bruce Simon, Chair

Carried by: Rep. Ryan

3/3

Committee Vote:
Yes 18, No 0.

491414SC.Hbk

HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 302** (third reading copy -- blue) **be concurred in**.

Signed: _____
Bruce Simon, Chair

Carried by: Rep. Mills

3/3

Committee Vote:
Yes 18, No 0.

491417SC.Hbk

HOUSE STANDING COMMITTEE REPORT

March 2, 1995

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 275** (third reading copy -- blue) **be concurred in**.

Signed: _____
Bruce Simon, Chair

Carried by: Rep. S. Smith

Committee Vote:
Yes 18, No 0.

491418SC.Hbk

EXHIBIT 6
DATE 3-2-95
HB 574

DESCRIPTION
STATE LIQUOR RETAIL PRIVATIZATION PROPOSAL

2/22/95

Background: Since 1933 the State of Montana has not only controlled liquor sales through regulation, but has also maintained a monopoly on the public's access to liquor through a central warehouse located in Helena and up to 168 liquor stores located throughout the state. Currently there are 108 state liquor stores, 26 operated by state employees with the rest being operated by agents who are paid a commission on sales. The state also licenses private retailers to sell liquor for consumption on their licensed premises and for off-premises consumption (package sales). The number of retail licenses is limited by a quota system. Private retailers are required by law to purchase all the liquor they sell from a state liquor store. Licensees are not permitted to sell liquor at prices lower than state liquor store prices. While state liquor stores perform a wholesale function for licensees, the general public is permitted to purchase from state liquor stores at the same price available to licensees. Fifty-five percent of all state liquor store sales are to licensees.

What is proposed and how will retail privatization be accomplished? The liquor distribution system that is currently in place will remain unchanged for the most part. However, the 26 state liquor stores operated by state employees will be converted to stores operated under agency franchise contracts just as 82 agency stores are currently operating. The inventory that is now furnished by the state to agents will be purchased and owned by the agents; currently the state owns the inventory located in state stores and agencies. Agents will purchase the liquor they sell from the state warehouse at a price that is less than the state's posted retail price per bottle to cover an agent's commission and historical level of full case discounts granted at the store. Current agents will take over ownership of inventory on July 1, 1995. State employee operated stores will be converted to contract agencies that own the liquor inventory between July 1, 1995 and December 1, 1995. All store employees who have worked half time or more between July 1, 1994 and January 6, 1995 have first right of refusal to be the agent in the store they worked or in another store in the community if a store employee doesn't take up the option. If no employee takes up the agency offer, the agency will be advertised and go to the best qualified bidder. Procedures under current law will continue: no person can have any ownership interest in more than one agency; no liquor licensee may have an ownership interest in an agency; an agent may sell the agency franchise contract after state approval; agents must carry liability insurance indemnifying the state at levels specified by the state.

Why privatize the state retail liquor stores? The state drops 76.5 FTE from its control (69.5 FTE in stores and 7 FTE in the central office in Helena) and sheds costly inventory investment in state liquor stores. This conversion results in a one-time transfer of $4 million to the general fund. Since the State no longer will have assets or employees in liquor stores, it no longer will have to involve itself in the day-to-day management of stores or need to account for monthly inventory values. Agents will be free to be more entrepreneurial in the service they provide than previously allowed. For example, agencies will have the option of delivering liquor to licensees and other customers. Agencies can expand their product lines to include items other than liquor; however, current law continues to prohibit agencies located in communities with 3,000 or more inhabitants from being located in or adjacent to grocery stores.

Will the price of liquor change? The state will continue to set the price of a bottle of liquor sold at agencies in the same way it does now. The price will be the same at every agency liquor store throughout the state just as it is now. A uniform price prevents penalizing the more rural communities remote from the Helena warehouse with higher prices due to added freight costs while maintaining the economies that a single warehouse operation avails a large geographical state containing a relatively small population. The discount for full case purchases will change however. The discount will be available to liquor licensees only and will be increased from the current 5% discount to 8%. The new discount arrangement more clearly differentiates agency liquor stores' wholesale function from their retail walk-in trade function and acknowledges more adequately the volume and stability of stores' wholesale relationship with licensees.

Will the variety of liquor products change? Agency liquor stores will be required to carry the variety and quantity of products needed to meet demand in the community. Financial constraints on an agent's ability to invest in sufficient inventory to meet demand is eased considerably by a two-week delivery schedule to every agency liquor store, a 60-day interest free payment schedule, availability of some mixed case shipments from the warehouse, and the ability to special order products not carried as regular items in the warehouse. While entrepreneurial incentives will likely keep agents responsive to public demand for variety, the law provides for the central office to respond to complaints on a case-by-case basis.

Will the number of agency liquor stores change? The proposed law establishes a quota for the number of agencies that can operate in a community. The number of agencies in a community varies with population as measured every two years by the Federal Census Bureau. Communities with 12,000 inhabitants or less can have one agency. For each increment of 40,000 inhabitants above 12,000, one additional agency is allowed. For example, communities between 12,001 and 52,000 inhabitants are allowed 2 agencies and communities between 52,001 and 92,000 inhabitants are allowed 3 agencies. The proposed law puts a moratorium on any additional agencies in communities that currently have one or more stores until after July 1, 1999. There is no moratorium for communities that do not currently have an agency liquor store and are more than 35 miles away from a community with an agency store.

What days and hours can agencies be open? Agencies will normally operate 5 days a week (Tuesday through Saturday) at least 6 hours a day (but not between the hours of 2 a.m. and 8 a.m.). Agencies will be closed on state holidays. If agents in a community obtain agreement from 51% of the liquor licensees, they can be open on Mondays as well.

How will an agent's commission rate be established? Current agents will initially continue with the commission rates they now have except that the commission will be based on the posted retail price of liquor rather than the price after full case discounts are applied. New agencies that will be operated by former state store employees will have a commission rate that is initially the store's direct operating expense in FY94 divided by the store's gross sales in FY94, not to exceed 10% nor to be less than 10% for stores in communities with less than 3,000 inhabitants (see table below for new agency initial rates). Rates can be adjusted upward every 3 years if an agency's rate is lower than peer agencies or extraordinary expenses are demonstrated and adjusted downward at the 10-year contract renewal if the state can demonstrate that it is in the state's best interest to do so.

Anaconda	8.55%	Butte 116	8.75%	Kalispell 12	9.08%	Missoula170	8.89%
Billings 3	8.18%	Glasgow	10.00%	Kalispell 195	9.80%	Missoula171	5.76%
Billings 4	5.88%	Glendive	9.24%	Laurel	10.00%	Polson	10.00%
Billings 196	7.37%	GreatFalls139	10.00%	Lewistown	8.92%	Red Lodge	10.00%
Bozeman 9	7.74%	GreatFalls141	7.56%	Libby	10.00%	Whitefish	7.27%
Bozeman193	8.26%	Havre	8.74%	Livingston	7.95%		
Butte 2	10.00%	Helena	7.42%	Miles City	8.25%		

How do agents get paid their commissions? The price of liquor purchased from the state warehouse will be reduced by the commission rate applicable to an agency. So when the agent sells a bottle of liquor at the state posted retail price, the agent earns the commission which is the difference between the agent's purchase price and the posted price. For example, an agent with a 10% commission will purchase a 12-bottle case of liquor that sells at a state posted retail price of $10 per bottle for $108 from the state warehouse; the sale of each bottle of liquor will produce a $1 commission.

How do agents get compensated for full case discount sales? The method is similar to commissions. Each agency has an historical full case discount percentage based on its experience in FY94 (discounts divided by gross sales). This discount percentage is adjusted for the increased discount rate (from 5% to 8%). In addition to the reduction for commission rate, liquor purchased from the state warehouse will be reduced by the adjusted discount rate applicable to an agency. So when the agent sells a bottle of liquor at the state selling price, the agent earns both the commission and the value of discounts on average. For example, an agent with discounts of $10,000 and gross sales of $1.0 million in FY94 will have an historical average discount ratio of 1% which after adjusting for the increase in the discount rate becomes 1.6%. Using the example bottle of liquor that sells for a state price of $10, an agent's purchase of a case would be reduced by $1.92 to offset on average the discounts that the agent will allow licensees on full case purchases. So, if the agent makes full case sales to licensees in the same proportion that occurred in FY94, the cost of discounts will be a wash.

How will agents purchase the in-store inventory currently owned by the State? Inventory on hand the day before the store or agency converts to the new law will be purchased by the agent at the agent's warehouse purchase price (state posted retail price less commission rate less discount rate). The agent will have up to 16 equal monthly installments to pay for this initial inventory beginning 60 days after the state bills the agent. A security bond equal to a 12-month average monthly inventory will be required until the initial inventory is paid for. The agent will have time between the effective date of this legislation and the conversion date (no earlier than July 1, 1995) to bring the inventory in the store to a level that the agent wants to have for the initial purchase. If difficult-to-sell, state-owned items are currently in a state store or agency, the central office will arrange to return the items to the warehouse. Agents will purchase subsequent replenishment of inventory at the agent's warehouse purchase price and have up to 60 days to pay for those purchases.

What happens to state employees affected by this legislation? All employees who will be subject to reduction in force (RIF) due to this legislation (76.5 FTE) will be afforded the benefits any other RIFed employee will get. Separate legislation has been introduced to provide training expenses, relocation expenses, state job preference, and 6 months paid health insurance or up to 3 years of PERS retirement addition for those eligible. Liquor division RIF's who have worked half time or more between July 1, 1994 and January 6, 1995 will also be paid a bonus if they continue their jobs until the conversion is completed. The bonus is 26.8% of an employees annual wage. State employees who work in a store and have worked as a store employee half time or more between July 1, 1994 and January 6, 1995 will have first right of refusal to become the new agent. If more than one store employee applies for the same store (i.e. each has a first right of refusal standing), the agent will be selected through a competitive process between the applicants. If there's more than one state store in a community and no store employee takes up the offer, employees from other stores in the community who have worked as a store employee half time or more will get the opportunity to be the agent. Competitive selection will also be used for this set of applicants if there are multiple applicants with this standing. Those who take up the first right of refusal get up to a year and a half to pay for the initial purchase of inventory.

EXHIBIT 2
DATE 3-2-95
HB 574

March 2, 1995

TESTIMONY BEFORE THE HOUSE BUSINESS AND LABOR COMMITTEE ON HOUSE BILL 574

Mr. Chairman and Members of the Committee:

For the record I am Dave Brown, 3040 Ottawa, Butte, MT, here today representing the Restaurant and Lounge Coalition. The Coalition I represent has no strong feelings either way about House Bill 574. I stand as a proponent because without this legislation we cannot offer this session an amendment about which I am here to visit with you and ask your consideration.

As with all business in Montana, the restaurant and lounge industry is dependent on decisions of state government. Timeliness in government decision making plays a significant role in the success or failure of business, whether it be coal or hard rock mining, water quality or health matters, agriculture, or any other aspect of the mix of business and regulatory compliance.

Currently, the Department of Revenue is bound by only one time constraint in making decisions on granting or denying new liquor licenses or transfer of existing ones. That single statutory requirement relates to the 30 days allowed to do an investigation into the backgrounds of applicants for a new license or transfer of an existing license. We would propose to you an amendment to this bill that would set very reasonable time limits for the Department of Revenue to respond to an applicant for a liquor license. I have checked with the Legislative Council staff as to the germaneness of this amendment

and find that it fits within the title and scope of House Bill 574.

Presently, other than the 30 days allowed for investigation of an applicant, the Department is bound by no restrictions on the amount of time it might take to consider approval or denial of a new license or transfer of an old license. I have passed out an amendment that Representative Pavlovich has consented to carry in the Committee deliberations on HB-574 that would set some mutual parameters between the Department and an applicant as the process evolves. I see no difference in this approach from similar time periods for government response that the legislature has in the past set for the Montana Major Facility Siting Act or Health Department review relating to environmental degradation or review of hardrock mining permits or other controls to prevent undue government delay.

Let me explain the process:

1. A new applicant for a liquor license or someone wishing to transfer a license files a formal request with the Department of Revenue. This begins the current statutory 30 days for background investigation. After this 30 day period, if the Department finds no basis for denial of the license, under 16-4-207 the Department must publish in a newspaper of general circulation in the city, town or county from which the application comes a notice that the applicant has made application for retail license and requests those that object to let the Department know in writing of this opposition. On a new license this requires four publications on consecutive weeks; on a transfer request this occurs on each of two consecutive

weeks. Protest must be filed within 10 days after the final notice is published.

2. Under present law if no written protests are received, the department may issue or transfer the license without holding a public hearing. Under the proposed amendment on page two, the issuance or transfer of a license must be completed within 30 days of the last publication of public notice.
3. If there are protests, then the amendment directs the department, unless a later date is set by agreement between the applicant and the department, to hold a public hearing within 30 days of the last date of publication.
4. The process works as follows from this point after a public hearing held because of protests to the license transfer or issuance of a new license: a hearing examiner recommends a proposed decision for granting or denying the license request. Either way, proponents of both sides are allowed a time period for written exceptions to the hearing examiners proposed decision and/or a request for oral arguments before the Director who must make the final decision. There are no time constraints for any of this process and the applicant cannot go to district court to seek a review of a denial decision until the process is complete.
5. The amendments in the new sub (4) at the bottom of page 2 require that the hearing examiner reach a proposed decision within 60 days. Within 45 days of the expiration of the

time period for written exceptions or, if there are oral arguments, within 45 days after oral arguments are held, the department shall grant or deny a license application.

6. If the applicant believes he/she has been mistreated in the process, at this point they can seek redress in district court.

These amendments set up a very reasonable and to some extent, still too loose a departmental review. But at least there are some constraints placed on the department for timely review of license applications. I have many complaints in my coalition about the lack of timeliness of departmental review of a license application. These amendments were designed in an attempt to be fair to the department and the applicant and I believe they achieve that balance. If in the future, stricter guidelines are necessary, we will come back to the legislature and ask your consideration.

Government must be responsive to private sector investment and capital outlay. This does not mean they should roll over and play dead to the process of lecensing requirements. They should, however, be held accountable for failure to respond in a timely and prudent manner. That is all these amendments ask and require. I hope you will see fit to add them to House Bill 574.

Your time and consideration of this matter are much appreciat

EXHIBIT 3
DATE 3-2-95
HB 574

Amendments to House Bill No. 574
First Reading Copy

Requested by Rep. Pavlovich
For the Committee on Business

Prepared by Lee Heiman
February 28, 1995

1. Title, line 20.
Following: "AGREE;"
Insert: "PROVIDING TIME LIMITS RELATING TO GRANTING OR DENYING A LICENSE;"

2. Title, line 23.
Following: "16-4-105,"
Insert: "16-4-207,"
Following: "16-4-401,"
Insert: "16-4-405,"

3. Page 28, line 3.
Insert: "**Section 36.** Section 16-4-207, MCA, is amended to read:

"**16-4-207. Notice of application -- investigation -- publication -- protest.** (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer a retail license, the department shall review the application for completeness and to determine whether the applicant or the premises to be licensed meets criteria provided by law. The department shall request that the department of justice investigate the application as provided in 16-4-402. If after the investigation the department does not discover a basis to deny the application, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail license and that protests against the issuance of a license to the applicant by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL ALL-BEVERAGES LICENSE

Notice is given that on the .... day of ...., 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold). A person who has extended credit to the transferor and residents of ..... counties may protest against the issuance of the license. Protests may be mailed to ...., department of revenue, Helena, Montana, on or before the .... day of ...., 19...

Dated ..... Signed .....

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If the issuance or transfer of a license is made without holding a public hearing, the issuance or transfer must be completed within 30 days of the last date of publication under subsection (1). If written protests by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties against the issuance or transfer of the license are received, the department shall hold a public hearing. Unless a later date is set by agreement between the applicant and the department, the public hearing must be held within 30 days of the last date of publication under subsection (1)."

Renumber: subsequent sections

4. Page 31, line 5.

Insert: "**Section 38.** Section 16-4-405, MCA, is amended to read:

"16-4-405. Denial of license -- timeliness. (1) The department may deny the issuance of a retail alcoholic beverages license if it determines that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.

(2) A retail license may not be issued by the department for a premises situated within a zone of a city or town where the sale of alcoholic beverages is prohibited by ordinance, a certified copy of which has been filed with the department.

(3) A license under this code may not be issued if the department finds from the evidence at the hearing held pursuant to 16-4-207(3) that:

(a) the welfare of the people residing in the vicinity of the premises for which the license is desired will be adversely and seriously affected;

(b) there is not a public convenience and necessity justification;

(c) the applicant or the premises proposed for licensing fail to meet the eligibility or suitability criteria established by this code; or

(d) the purposes of this code will not be carried out by the issuance of the license.

(4) The hearings examiner shall issue a proposed decision to grant or deny a license within 60 days after holding a public hearing under 16-4-207. Within 45 days of the expiration of the time period for written exceptions or, if there are oral arguments, within 45 days after oral arguments are held before the department, the department shall either grant or deny a license application."

Renumber: subsequent sections

EXHIBIT 4
DATE 3-2-95
HB 574

Montana State AFL-CIO

Donald R. Judge
Executive Secretary

110 West 13th Street, P.O. Box 1176, Helena, Montana 59624 406-442-1708

TESTIMONY OF DON JUDGE IN OPPOSITION TO HOUSE BILL 574 BEFORE THE HOUSE BUSINESS AND LABOR COMMITTEE MARCH 2, 1995.

Mr Chairman, members of the committee, for the record my name is Don Judge and I'm appearing here today in behalf of the Montana State AFL-CIO in opposition to House Bill 574, the so-called "privatization of state liquor stores" bill.

Let me say at the outset that we are not appearing here today to oppose the specific provisions contained in House Bill 574, but that our opposition is based, instead, on the very concept and potential results of privatizing the state's retail liquor store system.

Please allow me to explain. Although organized labor remains opposed to privatization of the state's liquor store system, we will admit that our organization and the unions which represent the state's liquor store employees were involved in the development of HB 574. In fact, I'd like to express our appreciation to the bill's sponsor, Rep. Rehbein, House Majority Leader, Rep. Grinde, and representatives of the Department of Revenue for their willingness to encourage the involvement and incorporate the concerns of these workers in the development of this legislation. From our perspective, House Bill 574 represents a much better and well thought out method for privatizing the state's retail liquor system than any previously-considered legislation.

Having said that, I would now like to address the reasons why we remain opposed to this privatization.

(1) Although HB 574 would secure the right of first refusal for current employees to purchase the state stores; provides a bonus for those employees who continue working until each store is privatized; and establishes a limitation on competition for a grace period of time, not all employees will be in a position to take advantage of these provisions. There will be employees who will lose their jobs, suffer possible loss of retirement and suffer economic dislocation as a result of privatization. Whenever that happens, collateral impacts can include family breakups, increased health problems and greater reliance on public assistance.

(2) Privatization of the state's retail liquor stores, we believe, will not result in any increased revenue to the state. In fact, we believe it may well result in reduced revenue as these newly-created private ventures will likely form a potentially powerful special interest group, engaging in political and legislative activities in order to enhance their profit margins at the expense of state revenues. The current structure inhibits the creation of such a special interest group.

(3) HB 574 limits and caps the percentage of profits which may be made by the newly-privatized stores, as well as current agency stores. This restriction, combined with the state's setting of liquor pricing and monopoly ownership of the liquor warehouse really means that this so-called privatization is not really transferring ownership to actual "private sector" businesses. Consider the dilemma that it puts these new "private sector" owners in. In order to enhance their profits, they must do one of two things. They must (1) increase the volume of their liquor sales or, said another way, increase the amount of liquor that is

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consumed in Montana; or, (2) make these stores more than liquor stores by selling, or leasing, everything but restaurant food.

We believe that both options could result in circumstances which are detrimental to one of the most important aspects of having a state monopoly in the first place: to regulate the consumption and distribution of alcohol in Montana. The attached "comparison of selected alcohol-related data of control states and open states" points to the resulting negative impacts of increased alcohol consumption.

(4) On the opposite side of the spectrum is the potential for reducing the variety and availability of exotic spirits to the consuming public. Currently, the state maintains a fairly large variety of alcoholic beverages in its inventory in order to satisfy the desires of its customers. With HB 574, this variety and availability will "necessarily" be limited. In order to make the "sale" of the inventory to the new owners affordable and to enhance the possibility of these stores "making it", HB 574 provides for a reduction in current store inventories. This reduction is reflected in both volume and variety. For the discriminating customer, this may well mean that their favorite beverage will no longer be readily available.

Mr. Chairman, members of the committee, there are other reasons why we believe that privatization of the state' retail liquor store system is not a good idea, but I'll try to sum up our opposition with just a few additional comments.

House Bill 574, for all the hard work of its sponsor and those individuals participating in its development, does not represent true privatization of the system. It is, rather, simply a shifting of the cost of purchasing the ongoing inventory from the state to a rigidly controlled licensee structure. Price fixing, store location, parameters on inventory selection and profit levels will still be regulated or established by the state.

Privatization will not result in enhancing profits or taxes accruing to the state and may, in fact, result in the creation of a powerful, special interest lobby which could eventually cost the state money, raise the prices for the consumer and create greater impetus for more consumption in Montana.

The pressure by large retail grocery outlets to expand the licensees and allow grocery stores to sell liquor will grow and, like other "privatized" states, liquor will eventually become more accessible and less controllable in such circumstances.

Many employees, although granted better rights and protections in HB 574 than any other previously considered privatization bill, would still suffer.

We believe that the quest for privatization is driven by public sentiment which, in turn, was influenced by incomplete and inaccurate data. Before proceeding, we would encourage you to ask simple questions, not often mentioned by privatization advocates. Would this proposal result in true, full privatization of the state's liquor system? Will the state actually acquire $5 million in one time revenue, if not, how much? Is there a compelling control issue, or financial reason to privatize the state liquor system? Do you expect that, once partially privatized, special interest pressure will mount for more full privatization and freedom to set prices, influence tax rates and adjust inventories? Will this proposal result in better consumer services or enhance product selection? Does this proposal result in an elimination of the case lot discount for individual citizens, and subsequently, higher prices for such purchases?

Mr. Chairman, members of the committee, we encourage you to ask these and other questions. For the reasons stated above we would encourage you to reject HB 574. Thank you.

EXHIBIT 4
DATE 3-2-95
HB 574

COMPARISON OF SELECTED ALCOHOL-RELATED DATA OF CONTROL STATES AND OPEN STATES

	CONTROL STATES (Average)	OPEN STATES (Average)	OPEN STATES HIGHER BY
Motor vehicle fatalities, 1992 (Open states have 32.98% MORE motor vehicle fatalities than control states.)	634.00	843.12	33%
Violent crime rate per 100,000 population, 1992 (Open states have 85.75% MORE violent crimes than control states.)	390.30	724.97	86%
Alcohol-related motor vehicle fatalities, 1992 (Open states have 48.91% MORE alcohol-related motor vehicle fatalities than control states.)	263.61	392.55	49%
Alcohol-related mortality per 100,000 population, 1986-1990 (Open states have 4.57% MORE alcohol-related mortalities than control states.)	42.93	44.89	5%
Alcohol-related mortality due to cirrhosis per 100,000 population,1991 (Open states have 13.45% MORE alcohol-related cirrhosis mortalities than control states.)	9.09	10.31	13%
Homicide per 100,000 population,1992 (Open states have 74.96% MORE homicides than control states.)	5.63	9.85	75%

Sources:

Total Auto Deaths	U.S. Dept of Transportation Traffic Safety Facts 1992, pp 154-155
Violent Crime	U. S. Federal Bureau of Investigation, Crime in the United States, annual
Alocohol-Related Auto Deaths	U.S. Dept of Transportation Traffic Safety Facts 1992, pp 154-155
Alcohol-related Mortalities	U. S. Dept of Health and Human Services U.S. Alcohol Epidemiologic Data Manual, 4th ed. Vol 3, Tale 1, pp332
Alcohol-related Cirrhosis deaths	Statistical Abstract of the United States 114th Ed, 1994, Table 129
Homicide	U. S. Federal Bureau of Investigation, Crime in the United States, annual

EXHIBIT 5
DATE 3-2-95
HB 574

NAME Marc Asbury

ADDRESS Rte 62 Box 3238A, Livingston MT

HOME PHONE 222-6098 WORK PHONE 222-0202

REPRESENTING EMA Corp. Agency #117

APPEARING ON WHICH PROPOSAL? 574

DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

Support the proposal but would amend to increase the commision + the length of time to buy out the initial inventory. The State is saving money by this bill. None of the savings are being passed on to the retail outlets to promote growth, cover the cost of money, provide any return on investment, or make an agency a desirable business to operate. Increase the commissions to 18%, eliminate case discounts to the agency. Increase buyout of inventory to 3 yrs. with full bonding for this period. This is not privitazation, this is merely a shifting of the inventory liability.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

EXHIBIT 6
DATE 3-2-95
HB 574

Shelby Liquor Store #29

Testimony

House Bill No. 574

Section 16-2-101 (4) (a)

The 10% commission is not sufficient to operate an Agency store, being required to own the inventory and additional expenses associated with inventory ownership.

Added expenditures:

1. Additional inventory insurance
   a) quoted at $25.00 per thousand would amount to an added expense of approx. $1,000 per year on a $40,000 inventory
   b) breakage & leakage would become the agent's responsibility

I feel in order to own the inventory, the % of commission would need to be set at 15% (See Shelby Liquor Store #29 Projected Sales and Projected Cost of Liquor Summary)

Section 23 16-2-106

The delivery of liquor from Agency Stores needs to be struck from this bill, and agencies need to continue to operate as present. If it is to remain in the bill the % of commission needs to be adjusted to cover additional costs of delivery.

If deliveries are allowed, the possibility exists for truck deliveries all across the state. Consequently, delivery areas need to be well defined to not exceed the boundaries of the service area designated for each Agency Store.

Section 26 16-2-201

I strongly feel licensees are in need of additional discount for quantity purchases but it must be set up so that the savings passed on to the licensees is not at the Agent's expense. As written, an Agent could end up selling a large amount of his inventory at 2% commission.

A method of paying the Agents must be adjusted to cover additional sales anticipated by this further reduction in price. (See Shelby Liquor Store #29 Documentation of Actual Sales and Projected Sales)

Other Significant Issues/Concerns to be Redefined/Clarified in HB574

(1) Moratorium only until July 1, 1999 and no moratorium in communities with no liquor store more than 35 miles away from a community with an agency store

(2) Repacks: More repacks (mixed case shipments) must be available to small and mid-size stores to assure availability of slow moving items

(3) Bad check from licensees: The State licenses the licensees and presently absorbs all insufficient funds checks received from licensees. This has the potential of being an on-going problem with the high turnover of Liquor Licenses

(4) Declining consumption of liquor: Liquor consumption is steadily declining and revenues are historically shrinking every year, while operational expenses are increasing. Consequently, margins of profit will significantly continue to diminish when the price of the product is controlled and the agents are locked into a restrictive profit margin based on a fixed percentage

EXHIBIT 6
DATE 3-2-95
HB 574

Shelby Liquor Store #29

Projected Revenues and Projected Cost of Liquor
(Including Initial Inventory Payment)
07/01/95 thru 12/31/96

Initial Inventory at $40,000 x 90% to allow for 10% Commission

Projected Sales		Projected Payments $36,000/$2250 per payment x 16 payments	
July '95	$ 30,000		-0-
Aug '95	20,000	Shipm't for	-0-
Sept '95	22,000	July '95	$ 33,750
Oct '95	21,000	Aug '95	26,650
Nov '95	24,000	Sept '95	21,150
Dec '95	38,000	Oct '95	29,250
Jan '96	18,000	Nov '95	21,150
Feb '96	18,000	Dec '95	29,250
Mar '96	21,000	Jan '96	21,150
Apr '96	20,000	Feb '96	15,750
May '96	22,000	Mar '96	19,350
June '96	21,000	Apr '96	26,550
July '96	30,000	May '96	16,650
Aug '96	20,000	June '96	31,950
Sept '96	22,000	July '96	33,750
Oct '96	21,000	Aug '96	26,650
Nov '96	24,000	Sept '96	21,150
Dec '96	38,000	Oct '96	29,250
	$431,000		$403,400
(Projected Sales over 18 month period)		(Payments thru Dec. '96)	

$27,600 gross to pay for operational costs ÷ 18 months
= $1533.33

[2 months shipments still outstanding: (Nov. & Dec.) $45,900]

Shelby Liquor Store #29

Documentation of Actual Case Lot Sales

January thru December 1994

January	35
February	43
March	48
April	39
May	45
June	37
July	61
August	42
September	46
October	35
November	63
December	68
TOTAL (1994)	562 Cases

562 cases represents approximately 20% of the total bottle sales in the Shelby Liquor Store, for an average case lot sale of 5620 bottles. If the demand increases by 10% from 20% to 30% case lot orders, 8430 bottles would be sold at an 8% discount July 1995 thru June 1996. This would result in a loss of $2248 in case lot sales revenues to the store during the first year of operation.

EXHIBIT 7
DATE 3-2-95
HB 574

TESTIMONY
FOR
HOUSE BILL 574

LIQUOR PRIVATIZATION

Mr. Chairman, members of the committee, for the record my name is George Hagerman, Executive Director of Council No. 9 of the American Federation of State, County and Municipal Employees, AFL-CIO.

AFSCME does not represent any of the workers who will be affected by this privatization bill, however, we did once represent liquor warehouse workers.

Mr. Chairman, AFSCME is against the kind of wholesale privatization of public jobs that this bill represents. We do not believe that such legislation promotes or protects the public interest, saves the public any money or in any way benefits the public we're supposed to be serving.

It has been stated time and time again -- and it is a fact -- that liquor division employees have made money for the state, both in the liquor stores and the liquor warehouse. Despite this fact, jobs will be privatized by this bill under the guise of saving the public money and improving services to the public.

Both those arguments do not hold up, just as they generally are when offered in other privatization discussions.

Public employees provide good services at reasonable cost with strong dedication and commitment to the public. Wholesale privatization of their jobs under the guise of savings is what that we objected to and will continue to object to in future, regardless of whether it directly affects our members.

Thank you. We respectfully request that you vote no on House Bill 574.

EXHIBIT 8
DATE 3-2-95
HB 574

To Whom it may concern:
My name is Joe Gough. I have worked at Missoula State Liquor Store 171 for 16 years. Once again I find myself in fear of losing my job. House bill 574 I am told that this bill is going through and there is nothing anyone can do about it.

My severance pay which used to be one week pay for every year worked, is now limited to two weeks max. 2 weeks pay for 16 years service. Next, the bonus if you stay on until the store sells. Nice bonus it almost makes up for the severance pay, except you only get it if nobody takes over your store by July 1st. So you can't count on that money to pay bills & live on. And now, take over my store? Not at 5.76 % commission rate. Buy a 400.000 inventory not when you can put money in the bank and get 8% and not have to work. The public will lose 1/2 selection. there is no way anyone could carry the selection we do. Liquor sales will drop, people will buy out of state since there will be no discount for case sales for the general public which we sell alot of case lots to the public

Thankyou for reading this
Joseph Gough

EXHIBIT 9
DATE 3-2-95
HB 574

Dear Sirs,

My name is Sandra Lee and I manage Liquor Store #171 in Missoula. I'm writing concrening the Privatization Bill. I have a few concerns.

First, the Section that states that any store manager that takes over will be responsible for any shortages. Most retail businesses plan for a shortage from2% to 5% depending on the size and productа. The State is running these stores up unt until the time they sell them,taking all the profits and should absorb the shortages too, just as we will be responsible from the time we take over. As this does not appl apply to any clerk or private person taking over, it seemsto discriminate and discou courage managers from doing so.

Second, the section that states that the State shall have the right to decide if a store will carry a product, taken complaint by complaint. The State controls the wholesale price, the retail price, and the agents profit. That leaves little for th- the agent to doin order to run a profitable store other thaninventory contrіа control and overhead. If the payment turn around is 60 days, the agent should be able to not carry any item that doesn't sell in 2 months.

Third, the section that states that agents will be able to buy product at sale price and gain a profit from that which doesn't sell that month. The way it reads you will get the product for the sale price the month it is on sale. With getting shipment only every two weeks, a store might not get a shipment until 13 days into the sa- sale. Thus having to sell at a sale price product bought a regular price. There w would be three solutions to this. One, have deliveries every week. Two, have a window of six weeks, two weeks before the sale and the month during, in which the agent could buy product at sale price. Or three, have the agent buy the sale product

the month before it goes on sale. I prefer the last.

Fourth, the section that states that the State shall have the authority over the size and location of the store. I realize the state is still bound by current contracts, but when those contrcts are up it should be up to the agent. He has first hand knowledge of his business and is not going to move to a location that is detrimental to it. He can't do worse than a few of the locations picked in Great Falls , Billings, and Missoula.

Thank you for reading this and I hope these things will be addressed in this legislation.

Sincerely,

Mary Crone Store #170 Sandra Reg Mgr #17,
Jan Quade Clerk
Mike Tracy - Mgr #170

EXHIBIT 10
DATE 3-2-95
HB 574

Members of House Business & Labor

My name is Gary Crone, I am employed at State Liquor Store #170, and have been in or around the system since 1973. Bills to "privatize" the system have been handled about nearly every legislative session since that time. None of them would have actually accomplished that end, and this latest proposal wouldn't, either, since the warehouse would still supply merchandise.

If you analyze operations, the warehouse is the weakest link, dictating prices, quantities and availability.

I suggest that if a bill must be processed, that more consideration be afforded present employees and that in the meantime, instead of looking for this $4 million "windfall" from the sale of present store stock, that all stores go into a bailment or consignment mode of operation. This should, over time, accomplish the same liquidation.

Gary Crone
LS #170

EXHIBIT 11
DATE 3-2-95
~~HB~~ SB201

Stillwater Mining Company Statement on Senate Bill 201

House Business and Labor Committee-
Thursday March 2, 1995

Mr. Chairman, Members of the Committee:

My name is Ward Shanahan. I am a lawyer from Helena. I've represented Stillwater Mining Company as a lawyer and a lobbyist for more than 13 years. Stillwater Mining Company requested Senator Burnett to sponsor Senate Bill 201.

Let me first give you some background on Stillwater Mining Company. Stillwater Mining is the successor to two partnerships owned by Chevron USA Inc. and Manville Mining Company. These partnerships began their interest in Montana in 1981 following exploration activities by Manville Mining to outline what is now known as the "Stillwater Complex". The company's principal office is located at HC 54, Box 365, Nye, Montana 59061, Telephone: 406-328-8500.

The Stillwater Complex is the only significant source of platinum, palladium and their associated metals of the platinum group (known as PGMs) outside the Republic of South Africa. It is located in the Beartooth Mountains in southern Montana. Stillwater Mining Company is now a publicly traded company engaged in the exploration, development and mining of this deposit. Mining is located primarily at Nye, Montana, south of Columbus at this time although the company is proceeding with plans to open a second mine south of Big Timber in what is known as "The East Boulder".

Stillwater Mining Company also operates a small electric smelter for the primary recovery of metals from concentrates. This smelter will be expanded as the East Boulder Mine comes on line. The company is also planning to construct a Precious Metals Refinery in the near future so that all of its operation will be located in Montana.

Senate Bill 201--We are here today to talk to you about Senate Bill 201 which deals with Post-Accident Drug Testing as a condition for continued employment. This is an important issue for the company and Mr. Chris Allen will explain the reasons for this in some detail. But first, I would like to tell you about the bill.

Drug Testing of employees in a country like ours, is a complicated problem. This is because it not only involves the company's concern for work place safety, a decent social and work environment for its employees, lost time accidents, and work

disruption and loss of efficiency and earnings, but it also involves the personal privacy rights, the civil rights of the employees. These must be personally and legally respected and safety methods must be designed with these considerations in mind.

The present Montana law on drug testing is contained in Title 39, Labor, Chapter 2, The employment Relationship, Part 3, General Prohibitions on Employers. The specific section of the law we are attempting to amend here is 39-2-304, the title of which is "Lie Detector test prohibited-regulation of blood and urine testing" A copy is attached to this statement for your examination.

Senate Bill 201 will amend that section by clarifying the exceptions to the prohibition on blood and urine testing, and adding a new exception for cases in which "an employee has been involved in a work-related accident that causes death or personal injury or property damage.

At present 39-2-304, MCA authorizes only limited forms of pre-employment and "suspicion" testing. Periodic testing (annual physical or random) is not permitted. In 1991 the law was changed to require the testing procedures set forth in federal regulation under 49 CFR Part 40.

You will also notice that the law provides that an employer cannot take "adverse action" against an employee if that person presents a "reasonable explanation" or medical opinion indicating that the test results were not caused by alcohol or illegal drug use. Thus, the law contains many safeguards for the employee's rights.

The problem we need to have solved by SB 201 is the inadequacy of options available to the employer to identify and reduce drug use. This will help eliminate a real and present work place danger to fellow employees. It will allow the company to adopt measures to prevent the recurrence of serious accidents. That is what this bill is all about.

Congress, as well as you the legislature have regulated the Stillwater Mining Company by the Federal Mine Safety and Health Act of 1977 which, by definition, makes Stillwater Mining an employer whose work presents hazards which require special training and safety precautions. There are many other labor laws that place a duty on the employer to provide a safe place to work. That's what we're trying to do with SB 201. However the Senate made some amendments which made this job a little more difficult. We would like them restored in part and I have a prepared amendment to do that.

The mere happening of an accident that causes death or personal injury should be sufficient cause to allow an employer to require "drug testing" as a condition for continued employment following a serious accident. We don't agree with the Senate amendment that inserted "direct and proximate" cause as a

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SB 201

requirement to do these tests. Our supervisors aren't lawyers they're miners. To require a legal determination of "direct cause" defeats the whole purpose of the bill. The resulting argument over who is to blame exposes the employer to unnecessary liability. It impedes the identification of a real threat to the safety of fellow employees and to the employer's work place and property. The company is in a hazardous business it needs a proper tool to control the drug hazard. You have directed them to do this, please let them do it!

We sincerely request your concurrence in these amendments and that as amended you'll give the bill a "DO PASS" recommendation.

Ward A. Shanahan
Attorney/Lobbyist
Stillwater Mining Company

WAS\01970was

PROPOSED AMENDMENTS TO SB 201

Introduced by Burnett and others

Amend the Third Reading copy of Senate Bill 201 as follows:

Page 1 Lines 5 and 6, in the Title of the Bill
Strike: "EMPLOYEES ACTS OR FAILURE TO ACT IS THE DIRECT OR PROXIMATE CAUSE"
Insert: "EMPLOYEE HAS BEEN INVOLVED IN"

Page 1 Line 7, in the Title of the Bill
Strike: $2,500
Insert: $1,000

Page 1 Lines 28 and 29
Strike: "EMPLOYEES ACTS OR FAILURE TO ACT IS THE DIRECT OR PROXIMATE CAUSE OF"
Insert: "employee has been involved in"

Page 1 Line 30
Strike: "$2,500"
Insert: "$1,000"

And as amended DO PASS

Ward A. Shanahan
Stillwater Mining Company
33 South Last Chance Gulch
P.O. Box 1715
Helena, Montana 59624
Tel: 406-442-8560

EXHIBIT 11
DATE 3-2-95
SB 201

(4) Any employer violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding $100 for each such offense.

History: En. Secs. 1, 2, 3, 4, Ch. 47, L. 1953; R.C.M. 1947, 41-113, 41-114, 41-115, 41-116.

Cross-References
"Misdemeanor" defined, 45-2-101.
"Employment" defined, 39-2-101.
Classification of offenses, 45-1-201.

39-2-302. Discharge or layoff of employee because of attachment or garnishment prohibited. No employer shall discharge or lay off an employee because of attachment or garnishment served on the employer against the wages of the employee.

History: En. Sec. 1, Ch. 245, L. 1969; R.C.M. 1947, 41-305.1.

Cross-References
Partial exemption of wages from execution, 25-13-614.

39-2-303. Deception as to character of employment, conditions of work, or existence of labor dispute prohibited. (1) No one doing business in this state shall induce, influence, persuade, or engage workmen to change from one place to another in this state through or by means of deception, misrepresentation, or false advertising concerning the kind or character of the work, the sanitary or other conditions of employment, or as to the existence of a strike or other trouble pending between the employer and the employees at the time of or immediately prior to such engagement. Failure to state in any advertisement, proposal, or contract for the employment of workmen that there is a strike, lockout, or other labor trouble at the place of the proposed employment when in fact such strike, lockout, or other trouble then actually exists at such place shall be deemed a false advertisement and misrepresentation for the purpose of this section.

(2) Any workman influenced, induced, persuaded, or engaged through or by means of any of the things prohibited by subsection (1) of this section has a right of action for recovery of all damages that he had sustained in consequence of the deception, misrepresentation, or false advertising used to induce him to change his place of employment against anyone directly or indirectly procuring such change, and in addition thereto, he shall recover reasonable attorneys' fees to be fixed by the court and taxed as costs in any judgment recovered.

History: En. 41-118 by Sec. 2, Ch. 513, L. 1973; R.C.M. 1947, 41-118.

Cross-References
"Employment" defined, 39-2-101.
Attorneys' fees, Title 25, ch. 10, part 3.

39-2-304. Lie detector tests prohibited — regulation of blood and urine testing. (1) A person, firm, corporation, or other business entity or representative thereof may not require:

(a) as a condition for employment or continuation of employment, any person to take a polygraph test or any form of a mechanical lie detector test;

(b) as a condition for employment, any person to submit to a blood or urine test, except for employment in:

(i) hazardous work environments;

(ii) jobs the primary responsibility of which is security, public safety, or

(iii) jobs involving the intrastate commercial transportation of persons or commodities by a commercial motor carrier or an employee subject to driver qualification requirements; and

(c) as a condition for continuation of employment, any employee to submit to a blood or urine test unless the employer has reason to believe that the employee's faculties are impaired on the job as a result of alcohol consumption or illegal drug use, except that drug testing may be conducted at an employee's regular biennial physical for employment in jobs involving the intrastate commercial motor carrier transportation of persons or commodities.

(2) Prior to the administration of a drug or alcohol test, the person, firm, corporation, or other business entity or its representative shall adopt the written testing procedure that is provided in 49 CFR, part 40, and make it available to all persons subject to testing.

(3) The person, firm, corporation, or other business entity or its representative shall provide a copy of drug or alcohol test results to the person tested and provide him the opportunity, at the expense of the person requiring the test, to obtain a confirmatory test of the blood or urine by an independent laboratory selected by the person tested. The person tested must be given the opportunity to rebut or explain the results of either test or both tests.

(4) Adverse action may not be taken against a person tested under subsections (1)(b), (1)(c), (2), and (3) if the person tested presents a reasonable explanation or medical opinion indicating that the results of the test were not caused by alcohol consumption or illegal drug use.

(5) A person who violates this section is guilty of a misdemeanor.

(6) As used in this section:

(a) "commercial motor carrier" has the meaning provided in 69-12-101 and

(b) "intrastate" means commerce or trade that is begun, carried on, and completed wholly in this state.

History: En. Secs. 1, 2, Ch. 46, L. 1974; R.C.M. 1947, 41-119, 41-120; amd. Sec. 1, Ch. 482, L. 1987; amd. Sec. 1, Ch. 477, L. 1991.

Cross-References
Right to equal protection of the laws, Art. II, sec. 4, Mont. Const.
Licensing and regulation of polygraph examiners, Title 37, ch. 62.
"Employment" defined, 39-2-101.
Classification of offenses, 45-1-201.
"Misdemeanor" defined, 45-2-101.
Penalty for misdemeanor, 46-18-212.

39-2-305. Employment of aliens not lawfully authorized to accept employment prohibited. (1) No employer may knowingly employ an alien who is not lawfully authorized to accept employment.

(2) A person convicted of violating this section shall be fined no more than $500.

(3) The department of labor and industry or a person harmed by violation of this section may sue to enjoin an employer from violating this section and to gain other appropriate relief.

History: En. 41-121 by Sec. 1, Ch. 56, L. 1977; R.C.M. 1947, 41-121.

Cross-References
Injunctions, Title 27, ch. 19.
"Employment" defined, 39-2-101.
Classification of offenses, 45-1-201.
"Misdemeanor" defined, 45-2-101.

EXHIBIT 6a
DATE 3-2-95
~~AB~~ SB 201

The Industrial Company Wyoming, Inc.

STILLWATER MINING EXHIBIT SNEATE BILL 201

2-2-95

January 29, 1995

Stillwater Mining Company
HC 54, Box 365
Nye, MT 59061

Attention: Chris Allen

Subject: Drug & Alcohol Testing Information

Dear Mr. Allen:

TIC is committed to keeping our entire workplace drug free. We attribute much of our outstanding safety record to drug and alcohol education and testing. Pre-employment, random, post-accident, and reasonable cause testing are very effective ways of keeping the workplace clean and safe. Random testing combined with an education program helps maintain a drug free environment. Employees know if caught, termination is immediate.

As you requested, TIC has put together D&A statistics concerning random and post-accident testing. It is our hope that this information will be helpful to you.

1991	451 Random,Post-Accident,Pre-employment	8% positive
1992	162 Random	4% positive
	36 Post-Accident	19% positive
1993	250 Random	10% positive
	28 Post-Accident	11% positive
1994	229 Random	6% positive
	37 Post-Accident	16% positive

EXHIBIT
DATE
HB

406 442 8763;# 2/ 3
; 2- 2-95 ; 12:24 ; The INDUSTRIAL Co →
SENT BY:T.I.C.

TIC WYOMING, INC.

LOST TIME ACCIDENT AND SEVERITY RATES

	Lost Time Accident Rate		Severity Rate	
	TIC	National Average	TIC	National Average
1991	4.78	6.	65.16	160.1
1992	1.85	6.3	20.11	144.6
1993	0	6.5	0	147.1
1994	0	n/a	0	n/a
1994 National averages have not been calculated.				

EXHIBIT 13
DATE 3-2-95
~~HB~~ SB 201

IMPAIRMENT INDICATORS FOR SUPERVISORS	Possibly due to: ALCOHOL	DRUGS	MEDICAL CONDITION
* Flushed face, neck, and/or head	x	x	x
* Dilated pupils	–	x	x
* Constricted pupils	–	x	x
* Redness and irritation around nasal area	–	x	x
* Uncoordinated gait	x	x	x
* Thick, slurred speech	x	x	x
* Poor motor coordination	x	x	x
* Glassy eyed	x	x	x
* Sleepiness and drowsiness	x	x	x
* Jerky movement of eyes	x	x	x
* Redness or red eyes	x	x	x
* Amnesia	x	x	x
* Tremor of fingers and hands	x	x	x
* Disorientation or confusion	x	x	x
* Blank stare appearance	–	x	x
* Odor of glue, solvent, or paint on clothes	–	x	–
* Unusual body posture	–	x	x
* Odor of alcohol or fruity odor on breath, or clothes	x	–	x
* Muscle rigidity	x	x	x
* Difficulty with speech	x	x	x
* Hearing and/or seeing things	x	x	x
* Poor perception of time and distance	x	x	x

IMPAIRMENT INDICATORS FOR SUPERVISORS (CONT.)	Possibly due to: ALCOHOL	DRUGS	MEDICAL CONDITIO
* Extremely nervous	x	x	x
* Unusually talkative	x	x	—
* Profuse sweating	—	x	x
* Difficulty concentrating	x	x	x
* Use of sun glasses at inappropriate times	x	x	—
* Staggering gait	x	x	x
* Coma	x	x	x
* Convulsions	x	x	x
* Isolation	x	x	x
* Belligerence	x	x	x
* Unable to perform usual routine tasks	x	x	x
* Mood changes	x	x	x
* Odor of burnt rope	—	x	—

EXHIBIT 13
DATE 3-2-95
SB 201

SYMPTOMS OF DRUG AND ALCOHOL ABUSE

This chart indicates the most common primary symptoms of drug abuse. However, all of the signs are not always evident, nor are they the only ones that may occur. Any drug's reaction will usually depend on the person, his/her mood, his/her environment, the dosage of the dru and how the drug interacts with other drugs the abuser has taken or contaminants with the drug.

****
** LEGEND **
****

NAR = Narcotic Analgesics
DEPR = Depressants
ALC = Alcohol
MJ = Marijuana
PCP = PCP
PSY = Psychedelics
COC = Cocaine
AMPH = Amphetamines and other stimulants

PHYSICAL INDICATORS	NAR	DEPR	ALC	MJ	PCP	PSY	COC	AMPH
GAIT ATAXIA (STAGGERING)		X	X		X			
DROWSINESS	X	X	X	X	X			
TALKATIVENESS							X	X
SLURRED SPEECH	X	X	X					
RAMBLING SPEECH				X		X		
EYES DILATED						X	X	X
CONSTRICTED	X							
RED AND BLOODSHOT			X	X				
HORIZONTAL NYSTAGMUS (Rapid eye movement)		X	X		X			

SYMPTOMS OF DRUG AND ALCOHOL ABUSE (CONT.)

PHYSICAL INDICATORS (CONT.)	NAR	DEPR	ALC	MJ	PCP	PSY	COC	AMPH
VERTICAL NYSTAGMUS (Rapid eye movement)					X			
IMPAIRED COORDINATION	X	X	X	X	X			
DISORIENTATION (TIME & SPACE)				X	X	X		
SECRETIVE BEHAVIOR	X	X	X	X	X	X	X	X
NEEDLE MARKS (OVER VEINS)	X							

EXHIBIT 13
DATE 3-2-95
SB201

SYMPTOMS OF DRUG AND ALCOHOL ABUSE
(CONT.)

COMMON ITEMS FOUND IN ASSOCIATION WITH DRUG AND ALCOHOL ABUSE
(IN RESTROOMS, TRASHCANS, DESKS, LUNCH PAILS, LOCKERS, ETC.)

MATERIAL INDICATORS	NAR	DEPR	ALC	MJ	PCP	PSY	COC	AMPH
LIQUOR BOTTLES			X					
SMALL FOLDED PAPERS, SMALL PLASTIC BAGS	X						X	X
FOIL PACKETS, SMALL BOTTLES	X						X	X
ROLLED BILLS, CUT-OFF STRAWS							X	X
BAGGIES W/VEGETABLE MATTER				X				
SMALL PIPES				X				
CIGARETTE PAPERS WITHOUT TOBACCO				X				
EYEDROPPERS, SYRINGES	X							
BURNED SPOON OR BOTTLE CAPS	X							
BLOOD SPOTS ON HANDS OR ARMS	X							
ALLIGATOR CLIPS, MEDICAL FORCEPS, OTHER CLIPS				X				

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. SB 201 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
JIM TUTWILER	MT CHAMBER BILLINGS 97	✓	
Ward Dandel	Stillwater Min	AM ✓	
Christopher Allen	Stillwater Mining Co.	✓	
Don Allen	MT. Wood Products Assn	✓	
Don Judge	MT STATE AFL-CIO		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. SB 243 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Pat Melby	MSAA	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. SB 275 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Greg Chadwick	Mtn ASSO Nursemen	X	
Gary Gingery	MT. Dept of Agric	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. SB302 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
John Murphy	Montana Power	✓	
Jerry Downen	Montana Ele Coop	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. HB 574 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Don Judge	MT STATE AFL-CIO		X
Marc Asbury	Agency # 117		X
BEA HUNOA	SHELBY LIQUOR ST. #29		X
DAN J FELSKA	CONRAD #33		X
[signature]	Cutbank Store		X
Dan Mayer	Helena Mgr	X	
~~Ly Chester 2010 Costello~~	~~Helena Mgr~~ ~~Helena Area~~	~~X~~	
BRIAN HARRIS	DISTILLED SPIRITS COUNCIL		X
MICKEL CORISON	LIQ. DIVISION		X
ROD BARTSCH	" "		X
JEFF WILLIAMS	" "		X
ED REISER BOZEMAN	LIQUOR STORE #9		X
DAVE BROWN	Restaurant & Lounge Coalition	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

George Hagerman	AFSCME		✓
Lorraine Burns	Liquor Store # 15	✓	✓
Ken W. Hurt	# 74		
Robert Schreiner	Montana Liquor Reps		X
Leo Thomas	Liquor Store #1		X

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor DATE 3-2-95

BILL NO. HB 574 SPONSOR(S)

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Esther Scott / mgr.	Liquor Store #9		X
Frances Clerks Mgr.	Belgrade Liquor Store #76		X
Mary O Sabalaro	H & Livingston		X
Bob Gilbert	M.A.L.S.A.	X	
MIKE CETRAZO 52 N. Main Helena	Retired		X
John W. Hooper Bozeman			X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 4, 1995

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Antoinette R. Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Anderson, Keenan, McCann, Ohs, Story, Taylor, Wiseman, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/4/95
Correctly engrossed for third reading: HB 4.
Correctly enrolled: HB 97, HB 104, HB 146, HB 205, HB 216, HB 243, HB 285, HB 298.
Signed by the Speaker at 3:30 p.m., 3/3/95: HB 31, HB 47, HB 91, HB 119.
Delivered to the Governor for his approval at 3:20 p.m., 3/3/95: HB 48, HB 138, HB 152, HB 170.

BUSINESS & LABOR (Simon, Chairman): 3/2/95
SB 243, be concurred in. Report adopted.

SB 275, be concurred in. Report adopted.

SB 302, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman): 3/3/95
SB 132, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/3/95

HB 97, introduced by Menahan
HB 104, introduced by Cobb
HB 146, introduced by McKee
HB 205, introduced by J. Johnson
HB 216, introduced by Cocchiarella
HB 243, introduced by Menahan
HB 285, introduced by Larson
HB 298, introduced by Galvin

House bills not concurred in and returned to the House: 3/3/95

HB 83, introduced by Herron
HB 177, introduced by Kottel

Senate bills passed and transmitted to the House for concurrence: 3/3/95

SB 328, introduced by Bartlett

SB 408, introduced by Sprague

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

HB 582, introduced by Boharski, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 328, introduced by Bartlett, referred to Committee on Taxation.
SB 408, introduced by Sprague, referred to Committee on Business & Labor.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative R. Johnson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 567 - Representative Grinde moved consideration of HB 567 be passed for the day. Motion carried.

SB 105 - Representative Grinde moved consideration of SB 105 be passed for the day. Motion carried.

SB 139 - Representative Hibbard moved SB 139, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 19.
Strike: "EMPLOYER"
Insert: "employee"

Amendment #1 passed as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Wells, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: None.
Total 0

Excused: Anderson, Keenan, McCann, Ohs, Story, Taylor, Tuss, Wiseman.
Total 8

Absent or not voting: Menahan, Rose, Wennemar.
Total 3

Representative Hibbard moved SB 139, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Peck.
Total 1

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: Wennemar.
Total 1

Representative Wennemar excused at this time.

HB 534 - Representative Harrington moved HB 534 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Arnott, Bergsagel, Boharski, DeBruycker, Devaney, Elliott, Hurdle, Kasten, Rehbein, S. Smith.
Total 10

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: None.
Total 0

HB 572 - Representative Harrington moved HB 572 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Boharski, Brainard, Denny, Feland, Grinde, Jore, Martinez, Molnar, S. Smith, Vick.
Total 10

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: Ellis.
Total 1

Representative Feland excused at this time.

SB 56 - Representative Elliott moved SB 56 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Martinez.
Total 1

Voted Absentee: Anderson, Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: Cocchiarella, Grinde, R. Johnson.
Total 3

SB 58 - Representative Stovall moved consideration of SB 58 be placed at the bottom of the second reading board. Motion carried.

SB 60 - Representative Tropila moved SB 60 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Arnott, DeBruycker, Green, Grinde, Jore, Kasten, McGee, Molnar, Wagner, Wells.
Total 10

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: Stovall.
Total 1

SB 177 - Representative Ellis moved SB 177 be concurred in.

Representative Ellis moved consideration of SB 177 be placed at the bottom of the second reading board. Motion carried.

SB 202 - Representative Cobb moved SB 202 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: DeBruycker, Jore.
Total 2

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: None.
Total 0

HB 418 - Representative Devaney moved HB 418 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Boharski, Bohlinger, Carey, Clark, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, McCulloch, McKee, Menahan, Mills, Nelson, Ohs, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, S. Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook.
Total 68

Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Brainard, Cocchiarella, Denny, Fisher, Fuchs, Green, Heavy Runner, Hurdle, Jore, Marshall, Masolo, McGee, Molnar, Murdock, Orr, Ryan, Sliter, L. Smith, Somerville, Stovall, Trexler, Vick, Wagner, Mr. Speaker.
Total 29

Voted Absentee: Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes; Anderson, No.

Excused: McCann.
Total 1

Absent or not voting: Cobb, Quilici.
Total 2

HB 524 - Representative McKee moved consideration of HB 524 be placed below SB 235 on the second reading board. Motion carried.

HB 561 - Representative Larson moved HB 561 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Forbes, Galvin, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Martinez, McCulloch, McGee, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Simon, S. Smith, Soft, Somerville, Squires, Swanson, Trexler, Tropila, Tuss, Wennemar, Wiseman, Wyatt.
Total 50

Noes: Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Fuchs, Grady, Green, H.S. Hanson, Hayne, Herron, Holland, Hurdle, Jore,

Kasten, Keenan, Kitzenberg, Marshall, Masolo, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Rose, Simpkins, Sliter, L. Smith, Story, Stovall, Tash, Taylor, Vick, Wagner, Wells, Zook, Mr. Speaker.
Total 49

Voted Absentee: Ohs, Wennemar, Wiseman, Ayes; Anderson, Feland, Keenan, Story, Taylor, Noes.

Excused: McCann.
Total 1

Absent or not voting: None.
Total 0

SB 216 - Representative Simon moved SB 216 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: DeBruycker, Ewer, Marshall, McGee, Peck, Rose, L. Smith.
Total 7

Voted Absentee: Anderson, Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: Grinde.
Total 1

SB 220 - Representative Hagener moved SB 220 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: DeBruycker, Jore, Orr, L. Smith.

Total 4

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: Stovall.
Total 1

SB 235 - Representative Bohlinger moved SB 235 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Miils, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Fuchs, Peck.
Total 2

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: Jore.
Total 1

HB 524 - Representative McKee moved HB 524 do pass.

Representative McKee moved consideration of HB 524 be placed at the bottom of the second reading board. Motion carried.

SB 238 - Representative Denny moved SB 238 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Barnhart, Fuchs, Harrington, Heavy Runner, Quilici, Shea, Wennemar, Wyatt.
Total 8

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wiseman, Ayes; Wennemar, No.

Excused: Feland, McCann.
Total 2

Absent or not voting: None.
Total 0

SB 254 - Representative Mills moved SB 254 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: None.
Total 0

SB 285 - Representative Pavlovich moved SB 285 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simpkins, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Devaney, Feland, Fuchs, Grady, Kasten, Rehbein, Simon, Sliter, L. Smith, Story, Trexler, Wagner.
Total 12

Voted Absentee: Anderson, Keenan, Ohs, Taylor, Wennemar, Wiseman, Ayes; Feland, Story, Noes.

Excused: McCann.
Total 1

Absent or not voting: None.
Total 0

HB 524 - Representative Harper moved consideration of HB 524 be placed at the top of the second reading board. Motion carried.

Representative Larson moved HB 524, second reading copy, be amended (amendment #1).

Representative Kadas moved to segregate items 2, 6 and 7 from Amendment #1.

Representative Grinde moved consideration of HB 524 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 299 - Representative Grady moved SB 299 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Keenan.
Total 1

Voted Absentee: Anderson, Feland, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes; Keenan, No.

Excused: McCann.
Total 1

Absent or not voting: Arnott, Brainard, Clark, Elliott, Ream.
Total 5

SB 327 - Representative Ellis moved SB 327 be concurred in.

Representative Ellis moved consideration of SB 327 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 151 - Representative Peck moved Senate amendments to HB 151 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Kadas.
Total 1

Voted Absentee: Anderson, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, McCann.
Total 2

Absent or not voting: Grinde.
Total 1

HB 163 - Representative Kasten moved Senate amendments to HB 163 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: DeBruycker.
Total 1

Voted Absentee: Anderson, Feland, Keenan, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: McCann.
Total 1

Absent or not voting: Boharski, Grinde.
Total 2

HJR 1 - Representative Pavlovich moved Senate amendments to HJR 1 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Bergman.
Total 1

Voted Absentee: Anderson, Ohs, Story, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Keenan, McCann.
Total 3

Absent or not voting: Boharski, Vick.
Total 2

SB 58 - Representative Stovall moved consideration of SB 58 be passed for the day. Motion carried.

SB 177 - Representative Ellis moved consideration of SB 177 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved that the Committee of the Whole report be adopted. Report adopted. (92-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 59 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: None.
Total 0

SB 69 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Boharski, Brainard.
Total 2

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: None.
Total 0

SB 120 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: Green.
Total 1

SB 165 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: None.
Total 0

SB 171 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Boharski, Grinde, Jore, Martinez, Murdock, Rehbein, Vick.
Total 7

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: Fuchs.
Total 1

SB 239 concurred in as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Arnott, DeBruycker, Hayne, Jore, McGee, L. Smith, Soft, Vick.
Total 8

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: None.
Total 0

SB 269 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Brainard, Clark, Cobb, Grinde, Jore, Keenan, Vick.
Total 7

Voted Absentee: Anderson, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes; Keenan, No.

Excused: Feland, Story.
Total 2

Absent or not voting: Marshall.

Total 1

SB 319 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: None.
Total 0

HB 99 - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Denny, Green, Jore.
Total 3

Voted Absentee: Anderson, Keenan, McCann, Ohs, Taylor, Wennemar, Wiseman, Ayes.

Excused: Feland, Story.
Total 2

Absent or not voting: Grinde, Menahan.
Total 2

MOTIONS

HB 567 - Representative Hibbard moved HB 567 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

HB 524 - Representative Hibbard moved HB 524 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

SJR 6 - Representative Heavy Runner moved that he be removed as a sponsor from SJR 6. Motion carried.

SB 299 - Representative Tropila moved he be allowed to change his vote on SB 299, second reading, from not voting to aye. Motion carried.

HB 561 - Representative Mills moved he be allowed to change his vote on HB 561, second reading, from not voting to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 6, 1995. Motion carried.

House adjourned at 12:00 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 6, 1995

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Cliff Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-eighth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/6/95
Correctly printed for second reading: HB 9, HB 304, HB 553.
Correctly engrossed for third reading: HB 418, HB 534, HB 561, HB 572.
Correctly enrolled: HB 99, HB 168.
Examined by the sponsor and found to be correct: HB 97, HB 99, HB 104, HB 146, HB 168, HB 205, HB 216, HB 243, HB 285, HB 298.
Delivered to the Governor for his approval at 10:00 a.m., 3/6/95: HB 31, HB 47, HB 91, HB 119.

APPROPRIATIONS (Zook, Chairman): 3/6/95
HB 9, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "3,410"
Insert: "3,000"

2. Page 2, line 3.
Strike: "2,920"
Insert: "2,500"

3. Page 2, line 4.
Strike: "3,410"
Insert: "3,000"

4. Page 2, line 5.
Strike: "3,240"
Insert: "3,000"

5. Page 2, line 6.
Strike: line 6 in its entirety.

6. Page 2, line 7.
Strike: "0"
Insert: "4,000"

7. Page 2, line 9.
Strike: "24,370"
Insert: "24,000"

8. Page 2, line 10.
Strike: "9,260"
Insert: "9,000"

9. Page 2, line 11.
Strike: "9,750"
Insert: "9,500"

10. Page 2, line 12.
Strike: "13,650"
Insert: "7,500"

11. Page 2, line 13.
Strike: "29,250"
Insert: "27,000"

12. Page 2, line 14.
Strike: "19,500"
Insert: "19,000"

13. Page 2, line 16.
Strike: "9,750"
Insert: "8,000"

14. Page 2, line 17.
Strike: "9,750"
Insert: "9,000"

15. Page 2, line 18.
Strike: "21,450"
Insert: "20,000"

16. Page 2, line 20.
Strike: "9,750"
Insert: "9,000"

17. Page 2, line 21.
Strike: "7,310"
Insert: "7,000"

18. Page 2, line 22.
Strike: "4,870"
Insert: "4,500"

19. Page 2, line 23.

Strike: "5,850"
Insert: "5,500"

20. Page 2, line 24.
Strike: "9,750"
Insert: "9,000"

21. Page 2, line 25.
Strike: "9,750"
Insert: "9,000"

22. Page 2, line 26.
Strike: "5,850"
Insert: "6,000"

23. Page 2, line 27.
Strike: "14,620"
Insert: "13,000"

24. Page 2, line 28.
Strike: line 28 in its entirety.

25. Page 2, line 29.
Strike: "8,770"
Insert: "8,500"

26. Page 2, line 30.
Strike: "3,900"
Insert: "3,000"

27. Page 3, line 1.
Strike: "2,240"
Insert: "2,000"

28. Page 3, line 2.
Strike: "7,800"
Insert: "7,000"

29. Page 3, line 3.
Strike: "15,600"
Insert: "15,000"

30. Page 3, line 5.
Strike: "3,410"
Insert: "3,000"

31. Page 3, line 6.
Strike: "3,900"
Insert: "4,000"

32. Page 3, line 7.
Strike: "7,800"
Insert: "3,000"

33. Page 3, line 8.
Strike: "3,900"
Insert: "4,000"

34. Page 3, line 9.
Strike: "7,800"
Insert: "7,000"

35. Page 3, line 10.
Strike: "4,870"
Insert: "4,500"

36. Page 3, line 11.
Strike: "2,920"
Insert: "3,500"

37. Page 3, line 12.
Strike: "1,950"
Insert: "1,000"

38. Page 3, line 13.
Strike: "4,880"
Insert: "4,000"

39. Page 3, line 14.
Strike: "2,920"
Insert: "2,500"

40. Page 3, line 15.
Strike: "6,820"
Insert: "5,000"

41. Page 3, line 16.
Strike: "4,870"
Insert: "6,000"

42. Page 3, line 17.
Strike: "5,850"
Insert: "5,500"

43. Page 3, line 19.
Strike: "0"
Insert: "2,000"

44. Page 3, lines 20 and 21.

Strike: lines 20 and 21 in their entirety.

45. Page 3, line 22.
Strike: "0"
Insert: "8,770"

46. Page 3, line 23.
Strike: "0"
Insert: "20,000"

47. Page 3, lines 24 through 30.
Strike: lines 24 through 30 in their entirety.

48. Page 4, line 1.
Strike: line 1 in its entirety.

49. Page 4, line 3.
Strike: "26,320"
Insert: "26,000"

50. Page 4, line 4.
Strike: "19,500"
Insert: "19,000"

51. Page 4, line 5.
Strike: "19,500"
Insert: "18,000"

52. Page 4, line 6.
Strike: "14,620"
Insert: "14,000"

53. Page 4, line 7.
Strike: "4,870"
Insert: "4,000"

54. Page 4, line 8.
Strike: "4,870"
Insert: "3,000"

55. Page 4, line 9.
Strike: "4,870"
Insert: "3,000"

56. Page 4, line 10.
Strike: "4,870"
Insert: "6,000"

57. Page 4, line 11.

Strike: "15,600"
Insert: "10,000"

58. Page 4, line 12.
Strike: line 12 in its entirety.

59. Page 4, line 13.
Strike: "0"
Insert: "2,500"

60. Page 4, line 15.
Strike: "29,250"
Insert: "5,000"

61. Page 4, line 16.
Strike: "14,620"
Insert: "15,000"

62. Page 4, line 17.
Strike: "4,870"
Insert: "4,500"

63. Page 4, line 18.
Strike: "14,620"
Insert: "10,000"

64. Page 4, line 19.
Strike: "14,620"
Insert: "12,000"

65. Page 4, line 20.
Strike: "14,620"
Insert: "7,500"

66. Page 4, line 21.
Strike: "3,900"
Insert: "3,000"

67. Page 4, line 22.
Strike: "14,620"
Insert: "10,000"

68. Page 4, line 25.
Strike: "2,440"
Insert: "3,500"

69. Page 4, line 26.
Strike: "3,900"
Insert: "25,000"

70. Page 4, line 27.
Strike: "3,410"
Insert: "3,000"

71. Page 4, line 28.
Strike: "6,820"
Insert: "6,000"

72. Page 4, lines 29 and 30.
Strike: lines 29 and 30 in their entirety.

73. Page 5, line 1.
Strike: "0"
Insert: "5,000"

74. Page 5, line 2.
Strike: line 2 in its entirety.

75. Page 5, line 3.
Strike: "0"
Insert: "550"

76. Page 5, following line 3.
Insert: "Condition: Grant funds will be released only upon receipt of a letter of agreement from the state historic preservation office."

77. Page 5, line 5.
Strike: "4,390"
Insert: "5,000"

78. Page 5, line 6.
Strike: "7,020"
Insert: "2,500"

79. Page 5, line 7.
Strike: line 7 in its entirety.

80. Page 5, line 8.
Strike: "4,390"
Insert: "2,500"

81. Page 5, line 9.
Strike: line 9 in its entirety.

82. Page 5, line 10.
Strike: "6,580"
Insert: "2,500"

83. Page 5, lines 11 and 12.

Strike: lines 11 and 12 in their entirety.

And, as amended, do pass. Report adopted.

HB 304, introduced bill, be amended as follows:

1. Page 3, line 2.
Following: "of"
Insert: "long-range building program"

2. Page 3, line 5.
Following: "program"
Insert: "general obligation"

3. Page 3, line 11.
Following: line 10
Insert: "(7) The department shall use the proceeds of long-range building program bonds and other state revenue appropriated for regional correctional facilities to negotiate with local government entities or private providers to obtain the greatest number of beds that is consistent with program objectives for the least cost to the state."

4. Page 3, line 13.
Following: "years"
Insert: "and must contain provisions for renegotiation after 30 years"
Following: "."
Insert: "The provisions of 18-3-104 and 18-4-313 that limit the term of a contract do not apply to a contract authorized by [section 4]."

5. Page 4, line 15.
Following: "years."
Insert: "The provisions of 18-3-104 and 18-4-313 that limit the term of a contract do not apply to a contract authorized by this subsection (3)."

And, as amended, do pass. Report adopted.

HB 553, introduced bill, do pass. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman): 3/6/95
SB 40, be concurred in. Report adopted.

SB 84, be concurred in. Report adopted.

SB 150, be amended as follows:

1. Title, line 9.
Following: "TERMS;"
Insert: "PROVIDING A PENALTY;"

2. Page 4.
Following: line 21
Insert: "NEW SECTION. Section 3. Penalty for unauthorized disclosure of identifying information. An individual who knowingly discloses identifying information in violation of 40-8-126 is punishable by a fine of not more than $500 or by imprisonment for not more than 6 months, or by both fine and imprisonment.

NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 40, chapter 8, part 1, and the provisions of Title 40, chapter 8, part 1, apply to [section 3]."

And, as amended, be concurred in. Report adopted.

SB 217, be concurred in. Report adopted.

SB 270, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 3/6/95
SB 203, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 3/4/95

HB 168, introduced by Orr

House bill not concurred in and returned to the House: 3/6/95

HB 135, introduced by Cobb

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/4/95

HB 63, introduced by Schwinden

House amendments to Senate bill concurred in:

SB 44, introduced by Beck

Senate bill passed and transmitted to the House for concurrence: 3/4/95

SB 345, introduced by Swysgood

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

HB 583, introduced by Ewer, referred to Committee on Taxation.

The following Senate bill was introduced, read first time, and referred to committee:

SB 345, introduced by Swysgood, referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wells in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 132 - Representative Anderson moved consideration of SB 132 be passed for the day. Motion carried.

SB 243 - Representative Ryan moved SB 243 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman. Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Bergsagel, Cobb, DeBruycker, Jore, Larson, Molnar, Story.
Total 7

Excused: None.
Total 0

Absent or not voting: Ellis, Swanson.
Total 2

SB 259 - Representative Harper moved consideration of SB 259 be placed at the bottom of the second reading board. Motion carried.

SB 275 - Representative S. Smith moved SB 275 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: DeBruycker, Molnar, Nelson, Wiseman.
Total 4

Excused: None.
Total 0

Absent or not voting: Ellis, Ryan, Simpkins.
Total 3

SB 302 - Representative Mills moved SB 302 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

SB 304 - Representative Pavlovich moved SB 304 be concurred in. Motion carried as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wyatt, Zook.
Total 72

Noes: Ahner, Anderson, Brainard, Clark, DeBruycker, Denny, Feland, Forbes, Grinde, Hayne, Herron, Holland, Jore, Kasten, Keenan, Kitzenberg, Martinez, McGee, Orr, L. Smith, S. Smith, Soft, Somerville, Taylor, Vick, Wiseman, Mr. Speaker.
Total 27

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

SB 58 - Representative Stovall moved SB 58 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Simpkins.
Total 1

SB 105 - Representative Brainard moved SB 105 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Martinez, Masolo, McCann, McGee, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kadas, Kottel, Larson, McCulloch, McKee, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Ryan, Schwinden, Shea, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.
Total 33

Excused: None.
Total 0

Absent or not voting: Arnott.
Total 1

Representative Fisher excused at this time.

SB 177 - Representative Ellis moved SB 177 be concurred in.

Representative Ellingson moved SB 177, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 2.
Following: "."
Insert: "These definitions must inform the insured that the insured's health care provider may charge more than the limits established by the defined terms and that such additional charges may not be covered by the policy, certificate, or contract."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Rehbein.
Total 1

Excused: None.
Total 0

Absent or not voting: Fisher.
Total 1

Representative Ellis moved SB 177, as amended, be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: DeBruycker.
Total 1

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 - Representative Ellis moved SB 327, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 19 and 20.
Strike: "a college" on line 19 through "education" on line 20
Insert: "an accredited college or university"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: Fisher.
Total 1

Absent or not voting: None.
Total 0

Representative Ellis moved SB 327, as amended, be concurred in. Motion carried as follows:
Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Feland, Forbes, Fuchs, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Boharski, Brainard, DeBruycker, Ewer, Fisher, Green, Herron, Jore, Kasten, Knox, Ohs, Rehbein, S. Smith, Story, Vick.
Total 15

Voted Absentee: Fisher, No.

Excused: None.
Total 0

Absent or not voting: Clark, Martinez.
Total 2

SB 259 - Representative Marshall moved SB 259 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Curtiss, McGee.
Total 2

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wells moved that the Committee of the Whole report be adopted. Report adopted. (90-5)

MOTIONS

SB 148 - Representative Simpkins moved SB 148 be taken from engrossing and rereferred to second reading. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb,

Cocchiarella, Curtiss, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, DeBruycker, Denny, Feland, Jore, Peck, Rehbein, S. Smith.
Total 8

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 418 passed as follows:

Ayes: Arnott, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, DeBruycker, Devaney, Ellingson, Elliott, Ellis, Ewer, Forbes, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Marshall, McCann, McCulloch, McKee, Menahan, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, S. Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Wells, Wennemar, Wyatt, Zook.
Total 63

Noes: Ahner, Anderson, Barnett, Boharski, Brainard, Cobb, Cocchiarella, Curtiss, Denny, Feland, Fisher, Fuchs, Grady, Green, Heavy Runner, Herron, Hurdle, Jore, Kadas, Kitzenberg, Larson, Martinez, Masolo, McGee, Mills, Molnar, Murdock, Orr, Simpkins, Sliter, L. Smith, Somerville, Trexler, Vick, Wagner, Wiseman, Mr. Speaker.
Total 37

Voted Absentee: Fisher, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Martinez, Masolo,

McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Bergsagel, Boharski, DeBruycker, Elliott, Feland, Hurdle, Kasten, Marshall, Peck, Rehbein, Sliter, S. Smith, Wiseman.
Total 13

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Devaney.
Total 1

HB 561 failed as follows:

Ayes: Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Galvin, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, J. Johnson, Kadas, Knox, Kottel, Larson, McCann, McCulloch, McGee, McKee, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Somerville, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Wennemar, Wyatt.
Total 46

Noes: Ahner, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Fuchs, Green, H.S. Hanson, M. Hanson, Hayne, Herron, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Marshall, Martinez, Masolo, Mills, Molnar, Murdock, Nelson, Orr, Rehbein, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Story, Tash, Taylor, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 54

Voted Absentee: Fisher, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 572 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft,

Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, Brainard, Jore, Keenan, Nelson, S. Smith, Vick.
Total 7

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Bergsagel.
Total 1

SB 56 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs. Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: DeBruycker, Feland, Green, Grinde, Jore, Kasten, McGee, Wagner.
Total 8

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Larson, Pavlovich.
Total 2

SB 202 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: DeBruycker, Feland, Grinde, Jore, Keenan.
Total 5

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: DeBruycker, Feland, Grinde, Kitzenberg, McGee, L. Smith.
Total 6

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Swanson.
Total 1

SB 220 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: DeBruycker, Feland, Grinde, Jore, L. Smith, Wagner.
Total 6

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 235 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Fuchs, Jore, Peck.
Total 3

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Green.
Total 1

SB 238 concurred in as follows:

Ayes: Ahner, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 94

Noes: Barnhart, Fuchs, Heavy Runner, Wennemar, Wyatt.
Total 5

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

SB 254 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: DeBruycker, Devaney, Feland, Fuchs, Grinde, Jore, Kasten, Rehbein, L. Smith, Story, Trexler, Wagner.
Total 12

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Elliott, Wennemar.
Total 2

HB 151 - Aa amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Boharski, Fuchs, Jore, Kadas, Keenan.
Total 5

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: DeBruycker.
Total 1

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Nelson.
Total 1

HJR 1 - As amended by the Senate, concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergsagel, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Jore, Kasten, Rehbein, Story.
Total 4

Voted Absentee: Fisher, Aye.

Excused: None.
Total 0

Absent or not voting: Bergman, Boharski, Harrington, Keenan, S. Smith.
Total 5

MOTIONS

HB 85, HB 202, HB 531, HB 542, HB 560 - Representative Orr moved HB 85, HB 202, HB 531, HB 542, HB 560 be taken from the Committee on Select Health Care and rereferred to the Committee on Joint Senate Health Care. Motion carried.

SB 322, SB 341, SB 380, SB 405, SJR 14 - Representative Orr moved SB 322, SB 341, SB 380, SB 405, SJR 14 be taken from the Committee on Select Health Care and rereferred to the Committee on Joint Senate Health Care. Motion carried.

SB 376 - Representative Orr moved SB 376 be taken from the Committee on Business & Labor and rereferred to the Committee on Joint Senate Health Care. Motion carried.

HB 418 - Representative Boharski moved he be allowed to change his vote on HB 418, third reading, from aye to nay. Motion carried.

Representative Cocchiarella moved she be allowed to change her vote on HB 418, third reading, from aye to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 7, 1995. Motion carried.

House adjourned at 2:35 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

HOUSE JOURNAL
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 7, 1995

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Betty Lou Kasten. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Raney, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-ninth, fiftieth, fifty-first and fifty-second legislative days, find the same to be correct.

Hayne, Chairman

SPECIAL ORDERS OF THE DAY

Speaker Mercer introduced Miss Montana, Amanda Granrud of Great Falls, who addressed the House concerning her work as Miss Montana during her 1995 reign.

Following her remarks, she was escorted from the Chamber by Representatives Cocchiarella and H. Hanson.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/7/95
Correctly printed for second reading: HB 565, HB 570, HB 574.
Correctly enrolled: HB 46, HB 61, HB 69, HB 105, HB 115, HB 147, HB 148, HB 151, HB 163, HB 173, HB 174, HB 175, HB 250, HB 284, HB 288, HB 291, HB 295, HJR 1.
Examined by the sponsor and found to be correct: HB 46, HB 61, HB 69, HB 105, HB 115, HB 147, HB 148, HB 151, HB 163, HB 173, HB 174, HB 175, HB 250, HB 284, HB 288, HB 291, HB 295, HJR 1.

NATURAL RESOURCES (Knox, Chairman): 3/7/95
SB 78, be amended as follows:

1. Page 5, line 10.
Following: "~~voluntarily~~"
Insert: "voluntarily"

2. Page 10, line 3.
Following: "THE"
Insert: "conditions in the"

3. Page 10, line 3.
Following: "DEPARTMENT"
Strike: "MAY"
Insert: "shall"

4. Page 11, line 20.
Following: "action,"
Insert: "the amounts voluntarily expended by the violator to address or mitigate the violation or impacts of the

violation to waters of the state,"

And, as amended, be concurred in. Report adopted.

SB 122, be amended as follows:

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 24
Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

SB 204, be amended as follows:

1. Page 1, line 25.
Following: "TO"
Insert: "the conditions in"
Strike: "MAY"
Insert: "shall"

2. Page 3, lines 8 and 9.
Following: "account" on line 8
Strike: "AND THE COURT SHALL CONSIDER"

And, as amended, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman): 3/6/95
HB 565, introduced bill, be amended as follows:

1. Title, line 8.
Following: "15-6-207,"
Insert: "15-24-303,"
Following: "15-24-903,"
Insert: "15-24-920,"

2. Page 1, line 20.
Strike: "sections"
Insert: "section"
Strike: "and 4"

3. Page 1, line 21.

Following: "15-24-903."
Insert: "An owner of livestock making an election to have nonexempt livestock assessed on the average inventory basis is bound by that election for 6 years."

4. Page 1, lines 29 and 30.
Strike: "sections" on line 29
Insert: "section"
Strike: "and 4" on line 30

5. Page 2, lines 15 through 21.
Strike: section 4 in its entirety
Renumber: subsequent sections

6. Page 3, lines 11 and 12.
Strike: "that" on line 11 through "exempt" on line 13

7. Page 3, line 13.
Following: "section."
Insert: "All other livestock subject to the per capita tax levy must be reported on February 1 of each year."

8. Page 4, line 2.
Insert: "Section 6. Section 15-24-303, MCA, is amended to read:

"15-24-303. Proration of tax on personal property -- refund. (1) The tax on personal property brought, driven, coming into, or otherwise located in the state on or after the assessment date must be prorated according to the ratio that the remaining number of months in the year bears to the total number of months in the year. This section does not apply to motor vehicles taxed under Title 61, chapter 3, part 5, or to livestock.

(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613."

Section 7. Section 15-24-920, MCA, is amended to read:

"15-24-920. Election for proration of tax on livestock -- refunds -- additional assessment. (1) An owner of livestock who moves the livestock interstate may elect to have the nonexempt livestock taxed on a prorated basis.

(2) The owner shall file an election with the department on the statement required in 15-24-903. The statement must indicate the number of months the owner's livestock will be in the state.

(3) If a livestock owner elects to be taxed on a prorated basis, the tax on livestock that are moved interstate must be prorated according to the ratio of the number of months the livestock have taxable situs in the county to the total number of months in the taxable year. Livestock must be prorated as provided in this section regardless of when the livestock gain taxable situs in the county during the taxable year.

(4) Subject to the provisions of 15-16-603 through 15-16-605, a taxpayer whose nonexempt livestock are assessed under subsection (3) for a period longer than the actual number of months that the livestock have taxable situs in the state is entitled to a refund. The amount of the refund is equal to the difference between the original prorated amount paid and the subsequent amount owed after the actual number of tax situs months are determined at the end of the tax year. A taxpayer shall apply for a refund allowed under this subsection by January 31 following the year of assessment. The application must include a statement showing the date when the livestock were moved out of the state.

(5) A taxpayer whose nonexempt livestock are assessed under subsection (3) for a period shorter than the actual number of months that the livestock have taxable situs is subject to additional taxes for the number of additional months that the livestock has taxable situs in the state.

(6) A taxpayer whose livestock are assessed under 15-24-902(2) is not entitled to a refund under this

part.""
Renumber: subsequent sections

9. Page 4, line 3.
Strike: "Sections"
Insert: "Section"
Strike: "and 4"
Strike: "are"
Insert: "is"

10. Page 4, line 5.
Strike: "sections"
Insert: "section"
Strike: "and 4"

And, as amended, do pass. Report adopted.

HB 570, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "thereof"
Insert: "except"
Following: "taxation"
Insert: "by Montana"

2. Page 2, line 2.
Strike: "the states"
Insert: "Montana"

And, as amended, do pass. Report adopted.

SB 255, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/6/95

HB 46, introduced by Simon
HB 61, introduced by T. Nelson
HB 69, introduced by Fisher
HB 105, introduced by Bohlinger
HB 115, introduced by Barnhart
HB 147, introduced by McKee
HB 148, introduced by McKee
HB 173, introduced by Ewer
HB 174, introduced by Hagener
HB 175, introduced by Hagener
HB 250, introduced by McCulloch

HB 284, introduced by Tropila
HB 288, introduced by Marshall
HB 291, introduced by Fuchs
HB 295, introduced by Holland

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/6/95

HB 142, introduced by Somerville
HB 319, introduced by Tropila

House amendments to Senate bill concurred in:

SB 24, introduced by Swysgood

Senate bill passed and transmitted to the House for concurrence:
3/6/95

SB 161, introduced by Stang

House bill requested to be returned for further consideration:
3/6/95

HB 135, introduced by Cobb

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 96 sponsored by Representative Larson on March 6, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 114 sponsored by Representative Ahner et al. on March 6, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 6, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 138 sponsored by Representative M. Hanson on March 6, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 48 sponsored by Representative Larson on March 7, 1995.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

March 7, 1995

Dear Representative Mercer:

Please be informed that I have signed House Bill 152 sponsored by Representative Cocchiarella et al. on March 7, 1995.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 584, introduced by Bergsagel, referred to Committee on Appropriations.
HB 585, introduced by Bergsagel, referred to Committee on Appropriations.
HB 586, introduced by Wyatt, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 161, introduced by Stang, referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ryan in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 132 - Representative Anderson moved SB 132 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Bergsagel, Cobb, DeBruycker, Feland, Grinde, Jore, L. Smith, S. Smith, Wagner.
Total 9

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

HB 553 - Representative Grady moved HB 553 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey,

Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Harper.
Total 1

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: Hurdle, L. Smith.
Total 2

SB 40 - Representative Ahner moved SB 40 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Martinez.
Total 1

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 - Representative Simon moved SB 84 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, Holland,

Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Carey, Ellingson, Grady, Harrington, Heavy Runner, Pavlovich, Peck, Quilici, Shea, Squires.
Total 10

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 203 - Representative Swanson moved SB 203 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Ellingson, Elliott, Ellis, Ewer, Fisher, Forbes, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 80

Noes: Ahner, Arnott, Bergsagel, Boharski, Cobb, DeBruycker, Devaney, Feland, Fuchs, Green, Herron, Jore, Kasten, Keenan, Murdock, Orr, Sliter, S. Smith, Vick, Wagner.
Total 20

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 - Representative Simon moved SB 217 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock,

Nelson, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: DeBruycker, Feland, Kasten, Orr.
Total 4

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

SB 270 - Representative Bohlinger moved SB 270 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 - Representative Schwinden moved Senate amendments to HB 63 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon,

Simpkins, Sliter, L. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Boharski, Brainard, Curtiss, S. Smith.
Total 4

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: Fuchs.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ryan moved that the Committee of the Whole report be adopted. Report adopted. (85-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 58 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, Rose, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: None.
Total 0

Excused: Raney.
Total 1

Absent or not voting: Devaney, Kasten, Molnar, Ryan.
Total 4

SB 105 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss,

DeBruycker, Denny, Devaney, Ellis, Feland, Fisher, Forbes, Grady, Green, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Martinez, Masolo, McCann, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Rehbein, Ryan, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Wiseman, Zook, Mr. Speaker.
Total 71

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Elliott, Ewer, Fuchs, Galvin, Hagener, Harper, Heavy Runner, Herron, Hurdle, J. Johnson, Kadas, Kitzenberg, Kottel, Larson, McCulloch, Ream, Rose, Schwinden, Squires, Swanson, Tropila, Tuss, Wennemar, Wyatt.
Total 28

Excused: Raney.
Total 1

Absent or not voting: None.
Total 0

SB 139 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock,

Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: DeBruycker, Grinde, Hayne, Jore, Story, Wagner.
Total 6

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Bergsagel, Cobb, Curtiss, McGee, Rose, Ryan, Story, Wagner.
Total 8

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor,

Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Curtiss, DeBruycker, Wiseman.
Total 3

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Forbes, Fuchs, Galvin, Grady, Green, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Herron, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kadas, Kasten, Keenan, Kitzenberg, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McGee, McKee, Menahan, Mills, Molnar, Murdock, Nelson, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simon, Simpkins, Sliter, L. Smith, S. Smith, Soft, Somerville, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 304 concurred in as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Elliott, Ellis, Ewer, Feland, Fisher, Fuchs, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kadas, Knox, Kottel, Larson, Marshall, Martinez, Masolo, McCann, McCulloch, McKee, Menahan, Mills, Molnar, Nelson, Ohs, Orr, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schwinden, Shea, Simpkins, Sliter, L. Smith, Story, Stovall, Swanson, Tash, Tropila, Tuss, Wells, Wennemar, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

Noes: Ahner, Anderson, Brainard, Clark, Curtiss, DeBruycker, Denny, Forbes, Green, Grinde, Hayne, Herron,

Holland, Jore, Kasten, Keenan, Kitzenberg, McGee, S. Smith, Soft, Somerville, Taylor, Trexler, Vick, Wagner.
Total 25

Voted Absentee: Raney, Aye.

Excused: None.
Total 0

Absent or not voting: Harrington, Murdock, Pavlovich, Simon, Squires.
Total 5

MOTIONS

HB 561 - Representative Larson moved the House reconsider its action on HB 561 taken on third reading the previous legislative day. Motion carried. (61-37)

HB 9 - Representative Bergsagel moved HB 9 be rereferred to printing. Motion carried.

SB 105 - Representative Hurdle moved she be allowed to change her vote on SB 105, third reading, from aye to nay. Motion carried.

REPORTS OF STANDING COMMITTEES

BUSINESS & LABOR (Simon, Chairman): 3/7/95
HB 574, introduced bill, be amended as follows:

1. Title, line 20.
Following: "AGREE;"
Insert: "PROVIDING TIME LIMITS RELATING TO GRANTING OR DENYING A LICENSE;"

2. Title, line 23.
Following: "16-4-105,"
Insert: "16-4-207,"
Following: "16-4-401,"
Insert: "16-4-405,"

3. Page 5, line 16.
Following: "must"
Insert: ", in the calculation of the commission rates,"

4. Page 6, lines 12 and 13.
Following: second "store" on line 12
Insert: "established after [the effective date of this act]"

5. Page 6, line 14.
Following: "store"
Insert: "established after [the effective date of this act]"

6. Page 16, line 13.
Following: "(4)"
Strike: "Agency"
Insert: "The department shall negotiate commissions with agency stores, and agency"

7. Page 16, line 14.
Strike: "10% commission"
Insert: "commission of 10% or more, but not to exceed 15%,"

8. Page 28, line 3.
Insert: "Section 36. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- investigation -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer a retail license, the department shall review the application for completeness and to determine whether the applicant or the premises to be licensed meets criteria provided by law. The department shall request that the department of justice investigate the application as provided in 16-4-402. If after the investigation the department does not discover a basis to deny the application, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail license and that protests against the issuance of a license to the applicant by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL ALL-BEVERAGES LICENSE

Notice is given that on the .... day of ...., 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold). A person who has extended credit to the transferor and residents of ..... counties may protest against the issuance of the license. Protests may be mailed to ...., department of revenue, Helena, Montana, on or before the .... day of ...., 19...

Dated ..... Signed .....

ADMINISTRATOR

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) If the administrator receives no written protests, the department may issue or transfer the license without holding a public hearing. If the issuance or transfer of a license is made without holding a public hearing, the issuance or transfer must be completed within 40 days of the last date of publication under subsection (1). If written protests by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties against the issuance or transfer of the license are received, the department shall hold a public hearing. Unless a later date is set by agreement between the applicant and the department, the public hearing must be held within 30 days of the last date of publication under subsection (1).""
Renumber: subsequent sections

9. Page 31, line 5.
Insert: "Section 38. Section 16-4-405, MCA, is amended to read:

"16-4-405. Denial of license -- timeliness. (1) The department may deny the issuance of a retail alcoholic beverages license if it determines that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.

(2) A retail license may not be issued by the department for a premises situated within a zone of a city

or town where the sale of alcoholic beverages is prohibited by ordinance, a certified copy of which has been filed with the department.

(3) A license under this code may not be issued if the department finds from the evidence at the hearing held pursuant to 16-4-207(3) that:

(a) the welfare of the people residing in the vicinity of the premises for which the license is desired will be adversely and seriously affected;

(b) there is not a public convenience and necessity justification;

(c) the applicant or the premises proposed for licensing fail to meet the eligibility or suitability criteria established by this code; or

(d) the purposes of this code will not be carried out by the issuance of the license.

(4) The hearings examiner shall issue a proposed decision to grant or deny a license within 60 days after holding a public hearing under 16-4-207. Within 45 days of the expiration of the time period for written exceptions or, if there are oral arguments, within 45 days after oral arguments are held before the department, the department shall either grant or deny a license application."

10. Page 33, line 22.
Following: "[Section"
Strike: "24"
Insert: "26"

And, as amended, do pass. Report adopted.

SB 19, be concurred in. Report adopted.

SB 22, be concurred in. Report adopted.

SB 38, be amended as follows:

1. Title, line 7.
Strike: "OR"
Insert: "AND"

2. Page 1, line 14.
Following: "expansion"
Strike: "and"
Insert: ","
Following: "creation"
Insert: ", and job retention"

3. Page 1, line 18.
Following: "expansion"
Strike: "and"
Insert: ","
Following: "creation"
Insert: ", and job retention"

4. Page 1, line 27.
Following: "create"

Insert: "and retain"

5. Page 3, lines 18 through 24.
Following: "~~and~~" on line 18
Strike: the remainder of subsection (5)
Insert: "that the job investment loan may not exceed the funding provided by private lenders and that at least one private lender must be a financial institution. The department shall secure the most favorable collateral position possible on any job investment loan."

6. Page 3, line 26.
Following: "review process"
Insert: "that:

(a) incorporate the funding criteria adopted by the department to implement the federal community development block grant program pursuant to 90-1-103(5);
(b) minimize the amount of Job Investment Act funds required; and
(c) require financial institution review and contingent approval of the project before Job Investment Act funds are committed"

7. Page 3, lines 29 and 30.
Following: "deposit" on line 29
Strike: the remainder of line 29 through "and" on line 30

8. Page 4, line 8.
Following: "(2)"
Strike: "A"
Insert: "If a"
Following: "of"
Strike: "department or the loan review"
Following: "committee"
Strike: "who"

9. Page 4, lines 9 and 10.
Following: "application"
Strike: the remainder of line 9 through "processes" on line 10
Insert: ", then the application must be denied"

And, as amended, be concurred in. Report adopted.

SB 80, be concurred in. Report adopted.

SB 201, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "~~IN~~"
Strike: remainder of line 5 through "OF" on line 6
Insert: "EMPLOYEE HAS BEEN INVOLVED IN"

2. Title, line 7.

Page 1, line 30.
Strike: "$2,500"
Insert: "$1,000"

3. Page 1, lines 28 and 29.
Following: "~~in~~"
Strike: remainder of line 28 through "OF" on line 29
Insert: "employee has been involved in"

And, as amended, be concurred in. Report adopted.

SB 242, be amended as follows:

1. Page 1, line 17.
Following: "industry"
Insert: "and may not represent the same district as described in subsection (3)"

And, as amended, be concurred in. Report adopted.

SB 375, be concurred in. Report adopted.

SB 384, be concurred in. Report adopted.

SB 392, be concurred in. Report adopted.

SB 400, be concurred in. Report adopted.

HUMAN SERVICES & AGING (Grimes, Chairman): 3/7/95
SB 240, be concurred in. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, March 8, 1995. Motion carried.

House adjourned at 2:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 8, 1995

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Weldon and Beck, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the fifty-third legislative day, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): March 8, 1995
Correctly engrossed: SB 313, SB 397, HB 135, HB 137, HB 161, HB 179, HB 208, HB 212, HB 252, HB 278, HB 324.
Correctly enrolled: SB 58, SB 94, SB 243, SB 275, SB 302.
Examined by the sponsor and found to be correct: SB 285, SB 58, SB 94, SB 235, SB 243, SB 275, SB 302.
Signed by the Speaker of the House at 7:04 p.m., March 7, 1995: SB 24, SB 60, SB 165, SB 202, SB 216, SB 235, SB 238, SB 254, SB 285, SB 299.
Signed by the Speaker of the House at 7:18 p.m., March 7, 1995: SB 44, SB 69, SB 120, SB 269, SB 319.
Signed by the President at 2:10 p.m., March 7, 1995: SB 24, SB 60, SB 165, SB 202, SB 216, SB 235, SB 238, SB 254, SB 285, SB 299.
Delivered to the Governor for his approval at 10:00 a.m., March 8, 1995: SB 24, SB 44, SB 60, SB 69, SB 120, SB 165, SB 202, SB 216, SB 235, SB 238, SB 254, SB 269, SB 285, SB 299, SB 319.

AGRICULTURE, LIVESTOCK & IRRIGATION (Swysgood, Chairman): March 7, 1995
HB 235, be concurred in. Report adopted.
HB 411, be concurred in. Report adopted.
HB 445, be amended as follows:

1. Page 9, line 24.
Following: "forage"
Insert: "as noxious weed seed free"

And, as amended, be concurred in. Report adopted.

HB 520, be concurred in. Report adopted.

JUDICIARY (Crippen, Chairman): March 7, 1995
HB 41, be amended as follows:

1. Page 3, line 28.
Following: "visitors"
Insert: "and the director of the department of corrections and human services"

2. Page 3, line 29.
Following: "administration."
Insert: "The director shall report to the governor on an annual basis."

3. Page 4, line 4.
Strike: "he"
Insert: "the respondent"

4. Page 5, line 17.
Following: "visitors"
Insert: "and the director of the department of corrections and human services"

5. Page 5, line 18.
Following: "administration."
Insert: "The director shall report to the governor on an annual basis."

And, as amended, be concurred in. Report adopted.

HB 64, be concurred in. Report adopted.
HB 176, be amended as follows:

1. Title, lines 9 and 10.
Following: "~~MCA;~~"on line 9
Strike: remainder of line 9 through "MCA;" on line 10

2. Page 2, line 2.
Strike: "-- STATUTORY APPROPRIATION"

3. Page 2, lines 5 and 6.
Strike: subsection (3) in its entirety

4. Page 2, line 8 through page 3, line 7.
Strike: section 3 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 474, be concurred in. Report adopted.

NATURAL RESOURCES (Grosfield, Chairman): March 7, 1995
HB 50, be concurred in. Report adopted.
HB 162, be concurred in. Report adopted.
HB 263, be concurred in. Report adopted.
HB 292, be concurred in. Report adopted.
HB 381, be concurred in. Report adopted.
HJR 10, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 7, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 49** sponsored by Senators Swysgood and Harp on March 7, 1995.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: March 7, 1995

SB 58, introduced by Forrester
SB 243, introduced by Wilson
SB 275, introduced by Devlin
SB 302, introduced by Jabs

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 105, introduced by Jenkins
SB 139, introduced by Harp
SB 259, introduced by Hargrove
SB 304, introduced by Pipinich

MOTIONS

SB 362 - Senator Mesaros moved SB 362 be taken from the Committee on State Administration and rereferred to the Subcommittee on Ethics. Motion carried.

Senator Benedict moved to suspend the rules to allow the Joint Select Committee on Health Care to vote as a body rather than a separate chamber. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Swysgood, Toews, Tveit, Waterman, Mr. President.
Total 44

Nays: Doherty, Stang, Van Valkenburg, Wilson.
Total 4

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

SPECIAL ORDERS OF THE DAY

President Brown introduced the University of Montana Chamber Chorale, under the direction of Dr. David Tea, who performed several musical selections for the Senate chamber.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 94 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

SB 313 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Wilson, Mr. President.
Total 43

Nays: Devlin, Eck, Forrester, Harp, Waterman.
Total 5

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

SB 397 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 46

Nays: Emerson, Jenkins.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 135 failed as follows:

Yeas: Bartlett, Beck, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Foster, Franklin, Grosfield, Halligan, Jacobson, Jergeson, Keating, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 25

Nays: Aklestad, Baer, Benedict, Bishop, Burnett, Crismore, Devlin, Emerson, Estrada, Forrester, Gage, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 25

Paired: Beck, Weldon, Aye; Burnett, Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 137, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.

Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 161 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 179 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 208 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin,

Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 46

Nays: Harp, Mohl.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 212 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 47

Nays: Jenkins.
Total 1

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 252, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 278 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

HB 324 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Swysgood, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 46

Nays: Stang, Toews.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, Weldon.
Total 2

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jabs in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 59 House Amendments - Senator Crippen moved House Amendments to SB 59 be concurred in. Motion carried unanimously.

SB 171 House Amendments - Senator Franklin moved House Amendments to SB 171 be concurred in. Motion

carried unanimously.

SB 239 House Amendments - Senator Van Valkenburg moved House Amendments to SB 239 be concurred in. Motion carried unanimously.

HB 321 - Senator Foster moved HB 321 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 45

Nays: None.
Total 0

Absent or not voting: Devlin, Halligan, Miller.
Total 3

Excused: Beck, Weldon.
Total 2

HB 325 - Senator Hargrove moved HB 325 be concurred in. Motion carried unanimously.

HB 326 - Senator Forrester moved HB 326 be concurred in. Motion carried unanimously.

HB 331 - Senator Doherty moved HB 331 be concurred in. Motion carried unanimously.

HB 333 - Senator Lynch moved HB 333 be concurred in. Motion carried unanimously.

HB 334 - Senator Lynch moved HB 334 be concurred in. Motion carried unanimously.

HB 337 - Senator Jergeson moved HB 337 be concurred in. Motion carried unanimously.

HB 360 - Senator Foster moved HB 360 be concurred in. Motion carried unanimously.

HB 502 - Senator Sprague moved HB 502 be concurred in. Motion carried unanimously.

HB 556 - Senator Jergeson moved HB 556, second reading copy, be amended as follows:

1. Title, line 7.
Following: "33-1-311,"
Insert: "33-1-413,"

2. Page 106, line 17.
Insert: "**Section 96.** Section 33-1-413, MCA, is amended to read:
"**33-1-413. Examination expense -- lien.** (1) Upon presentation of a detailed account of ~~such~~ charges and expenses by the commissioner or pursuant to ~~his~~ the commissioner's written authorization, each person ~~so~~ examined,

other than ~~as to~~ examinations pursuant to 33-1-402, shall pay the actual travel expenses, a reasonable living expense allowance, and a per diem as compensation of examiners as necessarily incurred on account of the examination, all at reasonable rates ~~customary therefor and~~ as established or adopted by the commissioner. ~~Such an~~ An account may be ~~so~~ presented periodically during the course of the examination or at the termination of the examination as the commissioner ~~deems~~ considers proper. ~~No~~ A person ~~shall~~ may not pay and ~~no~~ an examiner ~~shall~~ may not accept any additional emolument on account of ~~any such~~ an examination.

(2) The commissioner shall pay to the state treasurer to the credit of the ~~general~~ state special revenue fund all ~~moneys~~ money received pursuant to subsection (1) ~~above~~.

(3) If ~~any such~~ a person fails to pay the charges and expenses, as referred to in subsection (1) ~~above~~, ~~they shall~~ the charges and expenses must be paid out of the funds of the commissioner in the same manner as other disbursements of ~~such~~ the funds. The amount ~~so~~ paid ~~shall be~~ is a first lien upon all of the assets and property in this state of ~~such~~ the person and may be recovered by suit by the attorney general on behalf of the state of Montana and restored to the appropriate fund.""
Renumber: subsequent sections

3. Page 6 of the Senate standing committee report amendment no. 21 is amended as follows:
Strike: "[Sections 1 through 30 and 32 through 98] are"
Insert: "Except as provided in subsection (1), [this act] is"

Motion carried unanimously.

Senator Benedict moved HB 556, as amended, be concurred in. Motion carried unanimously.

HB 113 - Senator Hargrove moved HB 113 be concurred in. Motion carried unanimously.

HB 136 - Senator Gage moved HB 136 be concurred in. Motion carried unanimously.

HB 204 - Senator Christiaens moved HB 204 be concurred in. Motion carried unanimously.

HB 282 - Senator Eck moved HB 282 be concurred in. Motion carried unanimously.

HB 294 - Senator Harding moved HB 294 be concurred in. Motion carried unanimously.

HB 455 - Senator Cole moved HB 455 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Jabs moved that the Committee of the Whole report be adopted. Report adopted.

SPECIAL ORDERS OF THE DAY

SR 2 - Senator Harding moved that the nominations transmitted by the Governor be concurred in and confirmed and consented to by the Senate in accordance with the resolution and that the ayes and nays be spread upon the journal.

Motion carried as follows:

Yeas: Aklestad, Bartlett, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin,

Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 46

Nays: Baer.
Total 1

Absent or not voting: Klampe.
Total 1

Excused: Beck, Weldon.
Total 2

MOTIONS

HB 295 - Senator Miller moved the Senate request the return of HB 295 from the House of Representatives and that it be placed on second reading in the Senate on the next legislative day. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Forrester, Franklin, Grosfield, Halligan, Hargrove, Harp, Jacobson, Jergeson, Klampe, Lynch, Miller, Nelson, Pipinich, Sprague, Stang, Toews, Van Valkenburg, Waterman, Weldon, Wilson.
Total 33

Nays: Benedict, Cole, Devlin, Foster, Gage, Harding, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Swysgood, Tveit, Mr. President.
Total 16

Paired: Weldon, Aye; Foster, No.

Absent or not voting: None.
Total 0

Excused: Beck.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, March 9, 1995. Motion carried.

Senate adjourned at 2:34 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 9, 1995

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Wilson and Weldon, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the fifty-fourth legislative day, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): March 9, 1995
Correctly engrossed: HB 113, HB 136, HB 204, HB 282, HB 294, HB 321, HB 325, HB 326, HB 331, HB 333, HB 334, HB 337, HB 360, HB 455, HB 502, HB 556.
Correctly enrolled: SB 40, SB 84, SB 132, SB 203, SB 217, SB 270, SB 284.
Examined by the sponsor and found to be correct: SB 40, SB 84, SB 132, SB 217, SB 270.
Signed by the President at 9:30 a.m., March 9, 1995: SB 58, SB 94, SB 243, SB 275, SB 302.

BUSINESS & INDUSTRY (Hertel, Chairman): March 8, 1995
HB 286, be amended as follows:

1. Title, line 6.
Following: first "coerce"
Strike: "or"
Insert: ","
Following: second "coerce"
Insert: ", or persuade"

2. Page 1, line 14.
Strike: "or"
Insert: ","
Following: "~~persuade~~"
Insert: ", or persuade"

3. Page 1, line 15.
Strike: "set a price for any product or to"

4. Page 1, lines 16 through 19.
Strike: "." on line 16 through "DISTRIBUTORS." on line 19
Insert: ";"

5. Page 1, line 26.
Strike: "and"
Insert: "(4) fix or maintain the price at which a wholesale distributor resells the brewer's or beer importer's products. Without limitation, it is a violation of this section if:

(a) after a wholesale distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the wholesale distributor for those products within 60 days; or

(b) after a wholesale distributor has exceeded a resale price increase recommended by a brewer or beer importer, the brewer or beer importer raises the price that it charges the wholesale distributor in an amount proportionately larger than the amount that it raised the wholesale distributor's prices initially when compared to the resale price that it recommended to the wholesale distributor."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 342, be concurred in. Report adopted.
HB 408, be concurred in. Report adopted.
HB 549, be concurred in. Report adopted.

FINANCE & CLAIMS (Aklestad, Chairman): March 8, 1995
SB 416, be amended as follows:

1. Title, line 11.
Strike: "AND"
Following: "50-5-306,"
Insert: "AND 50-5-310,"

2. Page 8, line 26.
Strike: "or"

3. Page 8, line 29.
Following: "~~of~~"
Insert: "the use of hospital beds in excess of five to provide services to patients or residents needing only skilled nursing care, intermediate nursing care, or intermediate developmental disability care, as those levels of care are defined in 50-5-101; or (i)"

4. Page 9, line 11.
Strike: "(1)(h)"
Insert: "(1)(i)"

5. Page 10, line 1.
Following: "would"
Insert: "not"

6. Page 10, line 15.
Strike: "and"

7. Page 10, line 21.

Following: "~~care~~"
Insert: "; and

(f) the circumstances under which a certificate of need may be approved for the use of hospital beds in excess of five to provide skilled nursing care, intermediate nursing care, or intermediate developmental disability care to patients or residents needing only that level of care"

8. Page 10, line 27.
Following: "(4)"
Strike: "If the proposal is for new beds or major medical equipment, the"
Insert: "The"

9. Page 10, line 28.
Following: "reviewed"
Insert: "with similar proposals"

10. Page 10, line 30.
Following: "(5)"
Strike: "Any"
Insert: "On the 10th day of each month, the department shall publish in a newspaper of general circulation in the area to be served by the proposal a description of each letter of intent received by the department during the preceding calendar month. Within 30 days of the publication, any"
Following: "~~batch~~"
Insert: "described in the publication"

11. Page 13, lines 16 through 20.
Following: "request"
Strike: the remainder of subsection (1) in its entirety.
Insert: "a contested case hearing before the department under the provisions of Title 2, chapter 4, by filing a written request with the department within 30 days after receipt of the notification required in 50-5-302(13). The written request for a hearing must include:

(a) a statement describing each finding and conclusion in the department's initial decision that will be contested at the hearing and why each finding and conclusion is objectionable or in error; and

(b) a summary of the evidence that will be submitted to contest the findings and conclusion identified in subsection (1)(a).

(2) The hearing must be limited to the issues identified under subsection (1) and any other issues identified through discovery."
Renumber: subsequent subsections

12. Page 13, lines 22 through 24.
Following: "unless"
Strike: the remainder of subsection (2).
Insert: "the hearings examiner extends the time limit for good cause."

13. Page 13, lines 25 and 26.
Strike: subsection (3) in its entirety.
Renumber: subsequent subsections

14. Page 14, following line 7.

Insert: "**Section 7.** Section 50-5-310, MCA, is amended to read:

"**50-5-310. Fees.** (1) There is no fee for filing a letter of intent.

(2) An application for certificate of need approval must be accompanied by a fee that is at least equal to 0.3% of the capital expenditure projected in the application, except that the fee may not be ~~no~~ less than $500.

(3) With the exception of the department and an applicant whose proposal is approved and who does not request the hearing, each affected person who is a party in a reconsideration hearing held pursuant to 50-5-306(1) shall pay the department $500.

(4) Fees collected under this section must be deposited in ~~a state special revenue account for use by the department in conducting certificate of need reviews~~ the general fund." "

Renumber: subsequent sections.

15. Page 24, lines 17 and 19.
Strike: "6"
Insert: "7"

16. Page 24, line 18.
Strike: "personal services"

17. Page 24, line 20.
Strike: "personal services"

18. Page 24, lines 20 and 21.
Strike: "7 through 14"
Insert: "8 through 15"

And, as amended, do pass. Report adopted.

HB 11, be concurred in. Report adopted.
HB 226, be concurred in. Report adopted.
HB 354, be amended as follows:

1. Title, lines 5 and 6.
Following: ";" on line 5.
Strike: remainder of line 5 through "COUNCIL;" on line 6

2. Page 4, lines 9 and 10.
Strike: "be microbusiness development corporation representatives"
Insert: "have expertise in administering loan funds"

HB 420, be amended as follows:

1. Title, line 6.
Strike: "7-6-204,"

2. Page 1, lines 17 through 27.
Strike: Section 1 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

FISH & GAME (Mesaros, Chairman): March 8, 1995
HB 62, be concurred in. Report adopted.

HIGHWAYS & TRANSPORTATION (Tveit, Chairman): March 8, 1995
HB 318, be concurred in. Report adopted.

JUDICIARY (Crippen, Chairman): March 8, 1995
HB 158, be amended as follows:

1. Page 1, line 16.
Following: "used"
Strike: "for supporting"
Insert: "on a construction site to support"

2. Page 1, line 17.
Following: "term"
Insert: "includes a ladder or other equipment that is the exclusive route of access to the scaffold but"
Following: "include"
Strike: "a"
Insert: "any other"

3. Page 1, line 24.
Following: "(1)"
Strike: "A"
Insert: "Subject to the comparative negligence principles provided in Title 27, chapter 1, part 7, a"

4. Page 1, line 25.
Following: "liable"
Insert: "for damages sustained by any person who uses the scaffold, except a fellow employee or immediate employer"

5. Page 1, line 30 through page 2, line 1.
Following: "SCAFFOLD" on line 30
Strike: remainder of line 30 through "scaffold" on page 2, line 1

And, as amended, be concurred in. Report adopted.

HB 232, be amended as follows:

1. Title, line 10.
Following: "AND"
Insert: "REQUIRING THE GOVERNOR"

2. Page 2, line 16.
Following: "shall"
Insert: ", unless the applicant is the subject of an active criminal investigation,"

3. Page 2, lines 17 and 18.
Following: "based" on line 17
Strike: remainder of line 17 through "finding" on line 18

4. Page 3, line 1.
Following: "evidence"
Insert: "that the sheriff may or may not accept"

5. Page 3, line 2.
Strike: "firearms"
Insert: "handguns"

6. Page 3, lines 21 through 24.
Following: "Montana." on line 21
Strike: remainder of line 21 through "state." on line 24

7. Page 3, line 25.
Following: "governor"
Strike: "may"
Insert: "shall"

And, as amended, be concurred in. Report adopted.

HB 253, be concurred in. Report adopted.
HB 347, be concurred in. Report adopted.
HB 457, be amended as follows:

1. Page 1, line 13.
Following: "product"
Insert: ", as defined in 16-11-302,"

2. Page 2, line 6 (in 2 places).
Strike: "Title 16, chapter 11, part 3"
Insert: "Title 45, chapter 5, part 6"

And, as amended, be concurred in. Report adopted.

HJR 14, be concurred in. Report adopted.

LABOR & EMPLOYMENT RELATIONS (Keating, Chairman): March 8, 1995
HB 100, be concurred in. Report adopted.

LOCAL GOVERNMENT (Beck, Chairman): March 8, 1995
HB 154, be concurred in. Report adopted.
HB 165, be concurred in. Report adopted.
HB 166, be concurred in. Report adopted.
HB 185, be concurred in. Report adopted.

STATE ADMINISTRATION (Harding, Chairman): March 8, 1995
HB 404, be concurred in. Report adopted.

TAXATION (Devlin, Chairman): March 8, 1995
SB 407, be amended as follows:

1. Title, line 6.
Following: "PURPOSES;"
Insert: "EXEMPTING 1,000 TONS OF ROUGHER GARNET CONCENTRATE, UNDER CERTAIN CONDITIONS, FROM THE NET PROCEEDS TAX;"

2. Page 1, line 15.
Following: the first "**value**"
Insert: "-- exemption"

3. Page 2, line 3.
Strike: "1995"
Insert: "1996"

4. Page 2, line 4.
Strike: "1996"
Insert: "1997"

5. Page 2, line 6.
Strike: "1991"
Insert: "1995"

6. Page 2, line 12.
Following: line 11
Insert: "(3) For the purposes of this section, "associated byproducts" means gold, silver, copper, lead, or any other mineral or precious or semiprecious gems or stones that are produced, processed, and sold in conjunction with the mining and processing of industrial garnets.

(4) A person who produces and sells associated byproducts subject to taxation under this section is not required to file a statement or pay the tax on the associated byproducts under Title 15, chapter 23, part 8, or under Title 15, chapter 37, part 1.

(5)(a) Except as provided in subsection (5)(b), a person is not liable for the net proceeds tax on 1,000 tons or less of rougher garnet concentrate, including the value of associated byproducts, produced and sold in a calendar year.

(b) A person who produces and sells more than 1,000 tons of rougher garnet concentrate in a calendar year is liable for the net proceeds tax on all rougher garnet concentrate, including the value of associated byproducts, produced and sold in the calendar year."

7. Page 9, line 26.
Strike: "tax"
Insert: "production"

And, as amended, be concurred in. Report adopted.

HB 188, be concurred in. Report adopted. March 9, 1995
HB 287, be concurred in. Report adopted. March 8, 1995

ADVERSE COMMITTEE REPORT

JUDICIARY (Crippen, Chairman): March 7, 1995

HB 234, third reading copy, be amended as follows:

1. Page 2, line 29.
Following: "31]"
Insert: "; or

(g) any case in which the person seeking to maintain the action or defense has acknowledged making oral representations inconsistent with the writing"

2. Page 3, line 5.
Strike: "ORALLY AND"

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Brooke, Christiaens, Cole, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Jabs, Jacobson, Jenkins, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Weldon, Wilson.
Total 37

Nays: Benedict, Bishop, Burnett, Crippen, Forrester, Foster, Gage, Holden, Jergeson, Klampe, Swysgood, Waterman, Mr. President.
Total 13

Paired: Weldon, Wilson, Aye; Foster, Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: March 8, 1995

SB 40, introduced by Benedict
SB 84, introduced by Christiaens
SB 132, introduced by Bishop
SB 203, introduced by Grosfield
SB 217, introduced by Doherty
SB 270, introduced by Burnett

SB 284, introduced by Van Valkenburg

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 177, introduced by Foster
SB 327, introduced by Klampe

House bills passed and transmitted to the Senate for concurrence:

HB 553, introduced by Grady
HB 561, introduced by Larson

MOTIONS

HB 135 - Senator Grosfield moved the Senate reconsider its action in failing to pass SB 135 on third reading the previous legislative day and that the bill be placed back on third reading the next legislative day. Motion carried as follows:

Yeas: Bartlett, Benedict, Brooke, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Foster, Franklin, Grosfield, Halligan, Harding, Jacobson, Jergeson, Keating, Klampe, Lynch, Nelson, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 26

Nays: Aklestad, Baer, Beck, Bishop, Burnett, Devlin, Emerson, Estrada, Forrester, Gage, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Mesaros, Miller, Mohl, Pipinich, Sprague, Swysgood, Toews, Tveit.
Total 24

Paired: Weldon, Wilson, Aye; Devlin, Swysgood, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 421 - Senator Burnett moved HB 421 be taken from the Committee on Public Health, Welfare & Safety and rereferred to the Committee on Local Government. Motion carried.

HB 392 - Senator Doherty moved consideration of HB 392 be passed for the day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

HB 553, introduced by Grady, Feland, Quilici, Franklin and Beck (by the request of the General Government Subcommittee of Appropriations) referred to Committee on Finance & Claims.

HB 561, introduced by Larson, referred to Committee on Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Grosfield in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 559 - Senator Forrester moved HB 559 be concurred in. Motion carried with Senator Estrada voting nay.

HJR 11 - Senator Christiaens moved HJR 11 be adopted. Motion carried unanimously.

HJR 17 - Senator Doherty moved HJR 17 be adopted. Motion carried unanimously.

HJR 19 - Senator Harding moved HJR 19 be adopted. Motion passed as follows:

Yeas: Baer, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Lynch, Mesaros, Nelson, Pipinich, Sprague, Stang, Swysgood, Van Valkenburg, Mr. President.
Total 36

Nays: Aklestad, Bartlett, Brooke, Eck, Grosfield, Keating, Klampe, Miller, Mohl, Toews, Waterman.
Total 11

Absent or not voting: Tveit.
Total 1

Excused: Weldon, Wilson.
Total 2

SB 56 House Amendments - Senator Crippen moved SB 56 House Amendments be not concurred in. Motion carried with Senator Beck voting nay.

SB 220 House Amendments - Senator Bartlett moved SB 220 House Amendments be concurred in. Motion carried unanimously.

HB 141 - Senator Eck moved HB 141 be concurred in. Motion carried unanimously.

HB 144 - Senator Stang moved HB 144 be concurred in. Motion carried unanimously.

HB 164 - Senator Gage moved HB 164 be concurred in. Motion carried as follows:

Yeas: Baer, Benedict, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Jacobson, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Pipinich, Stang,

Toews, Tveit, Van Valkenburg.
Total 29

Nays: Aklestad, Bartlett, Beck, Bishop, Christiaens, Emerson, Estrada, Forrester, Foster, Harp, Holden, Jabs, Jenkins, Klampe, Nelson, Sprague, Swysgood, Waterman, Mr. President.
Total 19

Absent or not voting: None.
Total 0

Excused: Weldon, Wilson.
Total 2

HB 199 - Senator Foster moved HB 199 be concurred in. Motion carried unanimously.

HB 306 - Senator Forrester moved HB 306 be concurred in. Motion carried with Senator Toews voting nay.

Senator Foster excused at this time.

HB 462 - Senator Keating moved HB 462 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 39

Nays: Aklestad, Baer, Bishop, Crippen, Jenkins, Stang, Swysgood, Toews.
Total 8

Absent or not voting: None.
Total 0

Excused: Foster, Weldon, Wilson.
Total 3

Senator Christiaens excused at this time.

Foster present at this time.

HB 463 - Senator Keating moved HB 463 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Benedict, Brooke, Burnett, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Harp, Hertel, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Sprague, Van Valkenburg, Waterman, Mr. President.
Total 32

Nays: Aklestad, Baer, Bishop, Devlin, Forrester, Hargrove, Holden, Jenkins, Mohl, Nelson, Pipinich, Stang,

Swysgood, Toews, Tveit.
Total 15

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 494 - Senator Cole moved HB 494 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Grosfield moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 59 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Lynch, Swysgood.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

SB 171 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Lynch, Swysgood.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

SB 239 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Estrada, Lynch.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 113 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 136 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 204 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 44

Nays: Doherty, Stang, Swysgood.
Total 3

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 282 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 294, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Tveit, Van

Valkenburg, Waterman, Mr. President.
Total 41

Nays: Beck, Devlin, Gage, Keating, Swysgood, Toews.
Total 6

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 321 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 325, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Swysgood, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Stang, Toews.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 326, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Van Valkenburg, Waterman, Mr. President.
Total 42

Nays: Burnett, Gage, Klampe, Swysgood, Tveit.
Total 5

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 331 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 333 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 46

Nays: Swysgood.
Total 1

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 334 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Gage, Swysgood.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 337 concurred in as follows:

Yeas: Baer, Bartlett, Benedict, Brooke, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 40

Nays: Aklestad, Beck, Bishop, Burnett, Harp, Jabs, Mohl.
Total 7

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 360, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 45

Nays: Gage, Jenkins.
Total 2

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 455 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 502 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Mr. President.
Total 44

Nays: Burnett, Jenkins, Nelson.
Total 3

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

HB 556, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Bishop, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Mr. President.
Total 42

Nays: Beck, Harp, Swysgood, Toews, Tveit.
Total 5

Absent or not voting: None.
Total 0

Excused: Christiaens, Weldon, Wilson.
Total 3

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, March 10, 1995. Motion carried.

Senate adjourned at 2:58 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 13, 1995

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senator Bishop, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the fifty-seventh legislative day, find the same to be correct.

Jenkins, Chairman

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Cramer escorted the St. John's University Mens Chorus, under the direction of Dr. Alex Theimer, into the Senate chamber where they performed several musical selections.

MOTIONS

HB 263 - Senator Van Valkenburg moved HB 263 be taken from third reading this legislative day and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Bartlett, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Gage, Halligan, Jacobson, Jergeson, Klampe, Lynch, Miller, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson.
Total 21

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Sprague, Swysgood, Toews, Tveit, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): March 13, 1995
Correctly engrossed: SB 407, SB 416, HB 100, HB 135, HB 154, HB 166, HB 188, HB 226, HB 235, HB 253, HB 263, HB 286, HB 287, HB 318, HB 342, HB 404, HB 445, HB 457, HB 463, HB 474, HB 527, HB

549, HJR 10.
Correctly enrolled: SB 177, SB 327.
Examined by the sponsor and found to be correct: SB 239, SB 240, SB 384.
Signed by the Speaker of the House at 5:18 p.m., March 11, 1995: SB 22, SB 40, SB 59, SB 84, SB 132, SB 203, SB 217, SB 239, SB 240, SB 270, SB 284, SB 392.
Signed by the Speaker of the House at 5:38 p.m., March 11, 1995: SB 58, SB 94, SB 243, SB 275, SB 302.
Signed by the President at 9:00 a.m., March 11, 1995: SB 22, SB 40, SB 59, SB 84, SB 132, SB 203, SB 217, SB 239, SB 240, SB 270, SB 284, SB 392.

EDUCATION (Toews, Chairman): March 13, 1995
HB 431, be concurred in. Report adopted.

NATURAL RESOURCES (Grosfield, Chairman): March 13, 1995
HJR 22, be concurred in. Report adopted.
HJR 25, be concurred in. Report adopted.

TAXATION (Devlin, Chairman): March 13, 1995
SB 219, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "AN ANNUAL PROPERTY TAX ON"
Insert: "A MANDATORY FINE FOR"

2. Title, lines 5 through 8.
Strike: "FOR" on line 5
Insert: "THAT"
Strike: "VALUATION" on line 5 through "THAT THE" on line 8
Following: "REVENUE" on line 8
Insert: "FROM THE FINE"

3. Page 1, lines 13 through 19.
Strike: lines 13 through 19 in their entirety

4. Page 1, line 23 through page 3, line 20.
Strike: sections 1 through 6 in their entirety
Insert: "NEW SECTION. **Section 1. Mandatory fine for possession and storage of dangerous drugs -- disposition of proceeds.** (1) In addition to the punishments and fines set forth in Title 45, chapter 9, part 1, the court shall fine each person found to have possessed or stored dangerous drugs 35% of the market value of the drugs as determined by the court.

(2) The fines collected pursuant to subsection (1) during each calendar year must be transmitted by the clerk of court to the state treasurer no later than 10 days following the end of the calendar year. The state treasurer shall deposit the fines in the state general fund."

Renumber: subsequent sections

5. Page 4, line 23.
Strike: "[Sections 1 through 6] are"
Insert: "[Section 1] is"

6. Page 4, line 24.
Strike: "15" in both places
Insert: "45" in both places
Strike: "[sections 1 through 6]"
Insert: "[section 1]"

7. Page 4, line 30.
Strike: "tax years beginning"
Insert: "persons found to have possessed or stored dangerous drugs"

And, as amended, do pass. Report adopted.

SB 336, introduced bill, do pass. Report adopted.
HB 320, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 10, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 24** sponsored by Senator Swysgood, **SB 69** sponsored by Senator Holden, **SB 238** sponsored by Senator Van Valkenburg and Representative Denny, **SB 269** sponsored by Senator Crippen and **SB 299** sponsored by Senator Beck and Representative Grady on March 10, 1995.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
March 11, 1995

SB 38, introduced by Benedict

House bill passed and transmitted to the Senate for concurrence:

HB 524, introduced by McKee

Returned to the Senate for further consideration:

HB 135, introduced by Cobb

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

HB 565, introduced by Ellis, Barnett, Ohs, Knox, Tash, Burnett, Grinde, M. Hanson, Hayne, Taylor, DeBruycker, Zook, Stovall, Beck, Jenkins, Grady, Emerson, Holland and Mesaros, referred to Committee on Taxation.
HB 570, introduced by Wiseman, Fisher and Ewer, referred to Committee on Taxation.
HB 524, introduced by McKee, Fisher, Stang, Harper, Clark, Klampe, Murdock, Bohlinger, Ream, Ellis, Halligan and Grosfield, referred to Committee on Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Christiaens in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 158 - Senator Bartlett moved HB 158 be concurred in. Motion carried unanimously.

Senator Forrester assumed the chair.

HB 292 - Senator Christiaens moved HB 292 be concurred in. Motion carried unanimously.

Senator Christiaens resumed the chair.

HJR 14 - Senator Baer moved HJR 14 be adopted. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crismore, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Sprague, Toews, Wilson, Mr. President.
Total 29

Nays: Bartlett, Brooke, Christiaens, Crippen, Devlin, Doherty, Eck, Forrester, Franklin, Halligan, Harp, Jacobson, Jergeson, Pipinich, Stang, Swysgood, Tveit, Van Valkenburg, Waterman, Weldon.
Total 20

Absent or not voting: None.
Total 0

Excused: Bishop.

Total 1

HB 381 - Senator Miller moved HB 381 be concurred in. Motion carried unanimously.

HB 411 - Senator Beck moved HB 411 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Harding, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Sprague, Stang, Swysgood, Toews, Tveit.
Total 26

Nays: Bartlett, Brooke, Christiaens, Cole, Doherty, Eck, Forrester, Franklin, Grosfield, Halligan, Hargrove, Jacobson, Jergeson, Klampe, Lynch, Miller, Nelson, Pipinich, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 23

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 520 - Senator Hargrove moved HB 520 be concurred in. Motion carried unanimously.

HB 11 - Senator Harding moved HB 11 be concurred in. Motion carried with Senator Keating voting nay.

HB 62 - Senator Mesaros moved HB 62 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Emerson, Forrester, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Nelson, Sprague, Waterman, Mr. President.
Total 28

Nays: Devlin, Doherty, Eck, Estrada, Foster, Franklin, Halligan, Jacobson, Jergeson, Klampe, Lynch, Miller, Pipinich, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Wilson.
Total 20

Absent or not voting: Gage.
Total 1

Excused: Bishop.
Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Christiaens moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 105 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 46

Nays: Doherty, Franklin, Lynch.
Total 3

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

SB 139 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Brooke, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 45

Nays: Bartlett, Christiaens, Lynch, Wilson.
Total 4

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

SB 304 House Amendments concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 46

Nays: Devlin, Lynch, Swysgood.

Total 3

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

SB 407 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

SB 416 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Doherty, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Wilson, Mr. President.
Total 45

Nays: Brooke, Christiaens, Eck, Waterman.
Total 4

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 100 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.

Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 135 concurred in as follows:

Yeas: Bartlett, Benedict, Brooke, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Foster, Franklin, Grosfield, Halligan, Harding, Jacobson, Jergeson, Keating, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 27

Nays: Aklestad, Baer, Beck, Burnett, Devlin, Emerson, Estrada, Forrester, Gage, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 22

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 154 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 166 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin,

Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 188 concurred in as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Foster, Franklin, Gage, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Nelson, Pipinich, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 39

Nays: Aklestad, Estrada, Forrester, Harding, Miller, Mohl, Sprague, Stang, Swysgood, Toews.
Total 10

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 226 concurred in as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 42

Nays: Aklestad, Devlin, Estrada, Harding, Mohl, Swysgood, Toews.
Total 7

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 235 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 253 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Benedict, Brooke, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 41

Nays: Beck, Burnett, Devlin, Estrada, Gage, Holden, Miller, Swysgood.
Total 8

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 263 concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Jergeson, Keating, Mesaros, Miller, Mohl, Nelson, Sprague, Stang, Swysgood, Toews, Tveit, Mr. President.
Total 34

Nays: Bartlett, Brooke, Christiaens, Doherty, Forrester, Franklin, Halligan, Jacobson, Klampe, Lynch, Pipinich, Van Valkenburg, Waterman, Weldon, Wilson.
Total 15

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 286, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 287 not concurred in as follows:

Yeas: Bartlett, Brooke, Christiaens, Cole, Crippen, Doherty, Eck, Forrester, Franklin, Grosfield, Halligan, Hertel, Jacobson, Jergeson, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 24

Nays: Aklestad, Baer, Beck, Benedict, Burnett, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Harding, Hargrove, Harp, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 25

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 318 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 342 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 404, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 445, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 457, as amended, concurred in as follows:

Yeas: Baer, Bartlett, Burnett, Christiaens, Crippen, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Keating, Klampe, Mesaros, Nelson, Stang, Waterman, Weldon, Wilson, Mr. President.
Total 30

Nays: Aklestad, Beck, Benedict, Brooke, Cole, Crismore, Devlin, Forrester, Jenkins, Jergeson, Lynch, Miller, Mohl, Pipinich, Sprague, Swysgood, Toews, Tveit, Van Valkenburg.
Total 19

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 463 concurred in as follows:

Yeas: Aklestad, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Pipinich, Sprague, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 38

Nays: Baer, Devlin, Estrada, Forrester, Hargrove, Jenkins, Nelson, Stang, Swysgood, Toews, Tveit.
Total 11

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 474 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson,

Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 47

Nays: Harp, Swysgood.
Total 2

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 527 concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Christiaens, Cole, Crismore, Devlin, Doherty, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Halligan, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Lynch, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Wilson.
Total 38

Nays: Bartlett, Brooke, Crippen, Eck, Grosfield, Harding, Hargrove, Klampe, Mesaros, Waterman, Mr. President.
Total 11

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 549 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HJR 10 concurred in as follows:

Yeas: Baer, Bartlett, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Foster, Franklin, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 35

Nays: Aklestad, Beck, Devlin, Emerson, Estrada, Gage, Harding, Jenkins, Miller, Mohl, Nelson, Swysgood, Toews, Tveit.
Total 14

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

HB 347 left open from the fifty-seventh legislative day was amended as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Bishop.
Total 1

ANNOUNCEMENTS

President Brown introduced this week's pages:

Chad Harp, Kalispell
Bart Icopini, Hysham
Lisa McKnight, Great Falls
Lyle Morrow, Brady
Nicole Pyfer, Helena
Stephanie Quale, Bozeman
Samantha Scariano, Billings
Tyler Streit, Chester
Jeannie Toole, Missoula
Kristin Van Valkenburg, Missoula

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Tuesday, March 14, 1995. Motion carried.

Senate adjourned at 2:59 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 14, 1995

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): March 14, 1995
Correctly printed: SB 409.
Correctly engrossed: HB 11, HB 62, HB 158, HB 292, HB 381, HB 411, HB 520, HJR 14.
Correctly enrolled: SB 220. March 11, 1995
Correctly enrolled: SB 139, SB 304. March 14, 1995
Examined by the sponsor and found to be correct: SB 177, SB 220, SB 304, SB 327, SB 400.
Delivered to the Governor for his approval at 11:15 a.m., March 13, 1995: SB 22, SB 40, SB 58, SB 59, SB 84, SB 94, SB 132, SB 203, SB 217, SB 239, SB 240, SB 243, SB 270, SB 275, SB 284, SB 302, SB 392.

EDUCATION (Toews, Chairman): March 13, 1995
HB 434, be concurred in. Report adopted.

JUDICIARY (Crippen, Chairman): March 13, 1995
HB 150, be amended as follows:

1. Page 3, line 4.
Following: "department"
Insert: "and to the youth court judge"

And, as amended, be concurred in. Report adopted.

HB 311, be amended as follows:

1. Page 1, line 22.
Following: "PROPOSED"
Insert: "state"

2. Page 4, line 19.
Following: "shall"
Strike: "give"
Insert: "assign"

And, as amended, be concurred in. Report adopted.

HB 380, be amended as follows:

1. Page 3, line 27.
Following: "reaches"
Strike: "age"

2. Page 6, lines 22 and 23.
Following: "UNLESS" on line 22
Strike: remainder of line 22 through "LIMITATIONS" on line 23

3. Page 7, line 1.
Strike: "SPACE IS"
Insert: "resources are"
Following: "FOR"
Insert: "placement of"

4. Page 7, line 5.
Following: second "the"
Insert: "youth's own"

And, as amended, be concurred in. Report adopted.

HB 501, be concurred in. Report adopted.
HB 551, be concurred in. Report adopted.

STATE ADMINISTRATION (Harding, Chairman): March 13, 1995
HB 273, be concurred in. Report adopted.
HB 467, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Bob Brown
President of the Senate
State Capitol
Helena MT 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Brown and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 298, "AN ACT INCREASING THE NUMBER OF HOURS A RETIREE MAY RETURN TO COVERED EMPLOYMENT UNDER THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM PRIOR TO A TEMPORARY REDUCTION IN SERVICE RETIREMENT BENEFITS; INCREASING THE EARNINGS LIMITATION FOR RETIRED MEMBERS WHO ARE 65 YEARS OF AGE AND OLDER; PROVIDING AN EXCEPTION' AMENDING SECTION 19-3-1106, MCA; AND PROVIDING AN EFFECTIVE DATE."

Section 19-3-1106, MCA, provides that retired members of the Public Employees' Retirement System (PERS) under the age of 65 may return to employment covered by the retirement system for a limited number of hours without any effect to the retiree's retirement benefits. For retired members who are 65 years or older when they return to employment covered by PERS, their benefits will not be affected if they either abide by the cap on hours worked or they do not exceed a certain salary when added to their PERS benefits. The retirees must file monthly reports of hours worked and compensation earned to the PERS Board.

House Bill 298 includes an amendment which exempts retired members who are 70 1.2 years of age and older from the operation of section 19-3-1106, MCA. I understand that the intent of this amendment was to allow elderly retired PERS members to re-enter the workforce without being subject to the law's reporting requirements and the restrictions on hours worked and compensation earned. However, as the bill now reads, subsection (5) makes the limited reemployment law altogether inapplicable to elderly retired PERS members. The amendment would prohibit retired PERS members from reentering the work force at all without a reduction of retirement benefits.

The sponsor of House Bill 298, Representative Galvin, is in agreement that the bill be returned with an amendment that would correct the problem described above.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL 298
(REFERENCE COPY)
March 13, 1995

1. Page 2, line 4.
Following: "(5)"
Strike: remainder of line 4 in its entirety
Insert: "A retired member 70 1/2 years of age or older who returns to employment covered by the retirement system is not subject to the hour or earnings limitations in subsections (1) and (2) or the reporting requirements in subsection (3)."

MOTIONS

HB 407 - Senator Harding moved HB 407 be taken from the table in the Committee on Public Heath, Welfare and Safety, printed and placed on second reading the next legislative day. Motion failed as follows:

Yeas: Aklestad, Baer, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Forrester, Gage, Grosfield, Harding, Hertel, Jabs, Jenkins, Keating, Mesaros, Miller, Swysgood, Toews, Tveit, Waterman, Mr. President.
Total 25

Nays: Bartlett, Beck, Brooke, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Halligan, Hargrove, Harp, Holden, Jacobson, Jergeson, Klampe, Lynch, Mohl, Nelson, Pipinich, Sprague, Stang, Van Valkenburg, Weldon, Wilson.

Total 25

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 409 - Senator Hargrove moved consideration of SB 409 be passed for the day. Motion carried.

HB 287 - Senator Van Valkenburg moved the Senate reconsider its action in failing to pass HB 287 on third reading the previous legislative day and that it be placed on second reading on the sixtieth legislative day. Motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Harp, Jacobson, Jergeson, Keating, Klampe, Lynch, Nelson, Pipinich, Stang, Swysgood, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 35

Nays: Aklestad, Baer, Benedict, Burnett, Emerson, Hargrove, Hertel, Holden, Jabs, Jenkins, Mesaros, Miller, Mohl, Sprague, Toews.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Stang in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 165 - Senator Hargrove moved HB 165 be concurred in. Motion carried unanimously.

HB 185 - Senator Eck moved HB 185 be concurred in. Motion carried unanimously.

HB 232 - Senator Bartlett moved HB 232, second reading copy, be amended as follows:

That such amendments read:

AMEND SENATE COMMITTEE ON JUDICIARY COMMITTEE REPORT DATED MARCH 8, 1995, AS FOLLOWS:

Amendments No. 2 and 3
Strike: Amendments No. 2 and 3 in their entirety

AND THAT HOUSE BILL NO. 232, THIRD READING COPY, BE FURTHER AMENDED AS FOLLOWS:

Page 2, lines 16 through 18.
Following: "." on line 16
Strike: remainder of lines 16 through 18 in their entirety.

Motion failed as follows:

Yeas: Bartlett, Brooke, Christiaens, Cole, Doherty, Eck, Franklin, Grosfield, Halligan, Hertel, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 24

Nays: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Foster, Gage, Harding, Hargrove, Harp, Holden, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Baer moved HB 232 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Estrada, Forrester, Foster, Gage, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jenkins, Jergeson, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Weldon.
Total 36

Nays: Bartlett, Brooke, Christiaens, Doherty, Eck, Franklin, Grosfield, Jabs, Jacobson, Klampe, Van Valkenburg, Waterman, Wilson, Mr. President.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 295 - Senator Miller moved HB 295, second reading copy, be amended as follows:

1. Title, line 5.

Following: "AN ACT"
Strike: "PROVIDING THAT"
Insert: "REQUIRING"

2. Title, line 6.
Following: "PRACTICES"
Strike: "MAY EXERCISE DISCRETION IN ISSUING"
Insert: "TO ISSUE"

3. Page 1, line 16.
Following: "commissioner"
Strike: "may"
Insert: "shall"

Motion carried with Senators Holden, Swysgood and Devlin voting nay.

Senator Cole moved HB 295, as amended, be concurred in. Motion carried as follows:

Yeas: Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Emerson, Estrada, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Hertel, Jabs, Jacobson, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Toews, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 41

Nays: Aklestad, Devlin, Harp, Holden, Jenkins, Mohl, Swysgood.
Total 7

Absent or not voting: Forrester, Tveit.
Total 2

Excused: None.
Total 0

HB 354 - Senator Hertel moved HB 354 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 48

Nays: Cole.
Total 1

Absent or not voting: Doherty.
Total 1

Excused: None.

Total 0

HB 408 - Senator Miller moved HB 408 be concurred in. After discussion Senator Devlin moved that consideration of HB 408 be passed for the day. Motion carried.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Stang moved that the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 11 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Doherty, Eck, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 45

Nays: Devlin, Emerson, Estrada, Keating, Swysgood.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 62 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Brooke, Cole, Crippen, Crismore, Eck, Emerson, Forrester, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Nelson, Sprague, Tveit, Waterman, Wilson, Mr. President.
Total 29

Nays: Bishop, Burnett, Christiaens, Devlin, Doherty, Estrada, Foster, Franklin, Gage, Halligan, Jacobson, Jergeson, Klampe, Lynch, Miller, Pipinich, Stang, Swysgood, Toews, Van Valkenburg, Weldon.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 158, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 45

Nays: Burnett, Doherty, Stang, Swysgood, Toews.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 292 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: Brooke.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 381 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 411 concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Cole, Crippen, Crismore, Devlin, Emerson, Forrester, Foster, Gage, Harding, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Nelson, Sprague, Swysgood, Toews.
Total 26

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Estrada, Franklin, Grosfield, Halligan, Hargrove, Jacobson, Jergeson, Klampe, Lynch, Miller, Pipinich, Stang, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 520 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 49

Nays: Burnett.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 14 concurred in as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Cole, Crismore, Emerson, Estrada, Forrester, Foster, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Toews, Wilson, Mr. President.
Total 32

Nays: Bartlett, Brooke, Christiaens, Crippen, Devlin, Doherty, Eck, Franklin, Gage, Halligan, Jacobson, Jergeson, Stang, Swysgood, Tveit, Van Valkenburg, Waterman, Weldon.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 347 left open from the fifty-seventh legislative day was amended as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Cole, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jacobson, Jenkins, Jergeson, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None
Total 0

MOTIONS

Senator Mesaros moved the rules be suspended to permit the late drafting and introduction of a resolution honoring Doug Swingley of Simms, the first Montanan to win the Iditarod Sled Dog Race. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Wednesday, March 15, 1995. Motion carried.

Senate adjourned at 3:01 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate

SENATE JOURNAL
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 18, 1995

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Brown presiding. Invocation by Father Greg Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Senators Jacobson, Jergeson, Wilson and Cole, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the sixty-second legislative day, find the same to be correct.

Jenkins, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Jenkins, Chairman): March 18, 1995
Correctly printed: SB 358, SB 412.
Correctly engrossed: SB 219, HB 157, HB 200, HB 355, HB 461, HB 475, HB 489, HJR 4.
Examined by the sponsor and found to be correct: SB 150.

BUSINESS & INDUSTRY (Hertel, Chairman): MARCH 17, 1995
HB 387, be concurred in. Report adopted.

HIGHWAYS & TRANSPORTATION (Tveit, Chairman): March 17, 1995
HB 246, be concurred in. Report adopted.
HJR 23, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman): March 18, 1995
recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 20, 1995 for the week of March 20 - March 25, 1995:

TITLE	NAME
Pages:	Kristy Bohl
	Ingrid Lovih
	Tara Mahoney
	Megan Mattingley
	Tosha Williams
	Krista Fjelstad
	Elizabeth Guenthner
	Mathew Martin
	Jody Skinner

Report adopted.

LOCAL GOVERNMENT (Beck, Chairman): March 17, 1995
HB 249, be concurred in. Report adopted.
HB 289, be concurred in. Report adopted.
HB 417, be concurred in. Report adopted.
HB 425, be concurred in. Report adopted.

TAXATION (Devlin, Chairman): March 17, 1995
SB 414, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "15-30-121(1)"
Insert: "or 15-30-136(2)"

2. Page 3, line 11.
Following: "purposes"
Insert: "The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member or manager of a limited liability company may claim in a year is $500."

3. Page 3, line 12.
Following: line 11
Insert: "NEW SECTION. **Section 4. Beneficiaries of estates credit for community foundation contribution.** A contribution to a general endowment fund of a community foundation by an estate qualifies for the credit provided in [section 1]. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is $500, and the credit must be claimed in the year the contribution is made. The credit may not be carried forward or carried back."
Renumber: subsequent sections

4. Page 3, line 18.
Strike: "Section"
Insert: "Sections"
Following: "1"
Insert: "and 4"
Strike: "is"
Insert: "are"

5. Page 3, line 20.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 4"

6. Page 3, lines 23 and 24.
Strike: "4"
Insert: "5"

And, as amended, do pass. Report adopted.

SB 418, introduced bill, be amended as follows:

1. Page 4, line 8.
Following: "income."
Insert: "This subsection (5) does not apply to the deductibility of federal income taxes paid on income that is excludable or exempt for Montana income tax purposes."

And, as amended, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

SELECT COMMITTEE ON HEALTH CARE (Benedict, Chairman): March 17, 1995
HB 446, be amended as follows:

1. Page 2, line 27 through page 3, line 5.
Following: "(2)"
Strike: the remainder of line 27 through page 3, line 5
Insert: "A health benefit plan may not exclude coverage for a condition for which medical advice or treatment was recommended by or received from a provider of health care services unless the condition occurred within 3 years preceding the effective date of coverage of an insured person. The condition may be excluded for a maximum of 12 months."

2. Page 3, line 6.
Strike: "hospital-incurred"
Insert: "hospital expense-incurred"

3. Page 3, line 7.
Following: "policy"
Insert: ", contract,"
Following: "certificate"
Strike: ", a subscriber contract, or a contract of insurance"
Following: "by a"
Insert: "health insurer,"

4. Page 3, line 8.
Following: "corporation"
Insert: ","
Following: "or"
Strike: "a"
Strike: "subscriber contract"
Insert: "organization"

5. Page 3, line 12.
Insert: "(5) A policy of disability income insurance may not exclude coverage for a condition for which medical advice, diagnosis, care, or treatment was recommended by or received from a provider of health care services within 5 years preceding the effective date of coverage of an insured person. An exclusion may not apply to a disability commencing more than 12 months from the effective date of coverage of an

insured person."

6. Page 3, line 13.
Following: "RIDERS."
Insert: "(1)"

7. Page 3, line 14.
Following: "MAY"
Strike: "EXCLUDE"
Insert: "contain a provision that excludes"

8. Page 3, lines 15 through 17.
Following: "RIDERS"
Strike: the remainder of line 15 through line 17
Insert: "for conditions for which medical advice, diagnosis, care, or treatment was recommended by or received from a provider of health care services within 4 years preceding the effective date of coverage of an insured person. The provisions of 33-22-110 do not apply to elimination riders. An insured person may apply to the insurer for removal or modification of a rider, and the insurer shall respond to the application within 60 days of receipt.

(2) An insurer may not, except upon agreement by the insured, retroactively impose an elimination rider on an existing policy, certificate, or contract.

(3) "Elimination rider" means a provision attached to a policy that excludes coverage for a specific condition that would otherwise be covered under the policy."

9. Page 6, line 8.
Insert: "

NEW SECTION. **Section 4. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

10. Page 6, line 12.
Following: "18."
Insert: "An insurer may not, as a result of the application of [this section], seek reimbursement for any claims previously paid. "

And, as amended, be concurred in. Report adopted.

HB 466, be amended as follows:

1. Title, line 10.
Strike: "CONTINGENTLY"

2. Title, line 13.
Following: "PROGRAM;"
Strike: the remainder of line 13 through "CARRIERS;" on line 14
Insert: "CHANGING THE COMPOSITION OF THE BOARD OF THE MONTANA SMALL EMPLOYER

REINSURANCE PROGRAM;"

3. Title, line 15.
Following: "33-22-1811,"
Insert: "33-22-1818,"
Strike: "CONTINGENTLY"

4. Page 1, line 29 through page 2, line 2.
Following: "all"
Strike: "individual"
Following: "insurance"
Strike: the remainder of line 29 through page 2, line 2
Insert: ", including excess of loss and stop loss disability insurance"

5. Page 2, line 7.
Strike: "["

6. Page 2, line 9.
Strike: "]"

7. Page 2, line 10.
Strike: "["
Strike: "LOWER COST"
Following: "PLAN"
Insert: "[, except a uniform health benefit plan,]"

8. Page 2, line 11.
Strike: "PURSUANT TO 33-22-1812.]"
Insert: "by a small employer carrier that has a lower benefit value than the small employer carrier's standard benefit plan and that provides the benefits required by [section 5]."

(6) "Benefit equivalency" means a method developed by the small employer carrier for comparing the types of health care services and articles covered under a health benefit plan with the types of health care services required to be covered under a [uniform,] basic, or standard health benefit plan.

(7) "Benefit value" means an actuarially based method developed by the small employer carrier for comparing the value of determinable contingencies covered under a health benefit plan with the value of determinable contingencies required under a [uniform,] basic, or standard health benefit plan.""
Renumber: subsequent subsections

9. Page 3, line 1.
Strike: "["
Strike: "]"

10. Page 3, lines 2 and 3.
Strike: lines 2 and 3 in their entirety

11. Page 5, line 6.
Strike: "[UNIFORM] ["
Insert: "minimum"
Following: "basic"

Strike: "]"

12. Page 5, line 9.
Strike: "[UNIFORM] ["
Insert: "minimum"
Following: "basic"
Strike: "]"

13. Page 5, line 29.
Following: "to any"
Insert: "small employer"
Following: "employee of its"
Insert: "small employer"

14. Page 6, lines 3 through 7.
Strike: lines 3 through 7 in their entirety
Insert: "(28) "Standard health benefit plan" means a health benefit plan that is developed by a small employer carrier and that contains the provisions required pursuant to [section 6]."

15. Page 6, line 18.
Following: "Code"
Insert: ", except a plan or program that is funded entirely by contributions from the employees"

16. Page 9, line 25.
Following: line 24
Insert: "(c) The filing required in subsection (5)(b) must contain the small employer carrier's benefit equivalency and benefit value."
Renumber: subsequent subsection

17. Page 10, lines 5 and 6.
Strike: "[THE" on line 5 through "] [" on line 6

18. Page 10, line 8.
Strike: "]"

19. Page 10, lines 9 and 10.
Strike: "[UNIFORM" on line 9 through "] [" on line 10
Strike: "]" on line 10

20. Page 10, line 11.
Strike: "[THE] ["
Strike: "]"

21. Page 10, lines 15 and 16.
Strike: "[A" on line 15 through "] [" on line 16

22. Page 10, line 17.
Strike: "]"

23. Page 10, line 21.
Strike: "[UNIFORM] ["
Strike: "]"

24. Page 11, line 4.
Following: line 3
Insert: "(c) A small employer carrier that elects not to comply with the requirements of subsections (1)(a) and (1)(b) may continue to provide coverage under health benefit plans previously issued to small employers in this state for a period of no more than 7 years from [the effective date of this act] if the carrier:

(i) complies with all other applicable provisions of this part, except 33-22-1810, 33-22-1813, and subsections (2) through (4) of this section; and

(ii) does not amend or alter the benefits and coverages of the previously issued health benefit plans unless required to do so by law or rule."

25. Page 11, lines 4 and 5.
Strike: "[UNIFORM" on line 4 through "] [" on line 5

26. Page 11, line 6.
Following: "plans"
Strike: "]"

27. Page 11, lines 8 and 9.
Strike: "[UNIFORM" on line 8 through "] [" on line 9

28. Page 11, line 10.
Following: "plan"
Strike: "]"

29. Page 12, lines 6 and 7.
Strike: "[THE" on line 6 through "] [" on line 7
Following: "plan"
Strike: "]"

30. Page 15, line 10.
Insert: "

NEW SECTION. **Section 5. Benefits required in basic health benefit plan.** (1) The basic health benefit plan must provide at least the following benefits:

(a) coverage for the services and articles required by 33-22-1521(2);

(b) coverage for mental health and chemical dependency required by Title 33, chapter 22, part 7; and

(c) coverage for conversion of benefits required by 33-22-508 and 33-22-510 or by 33-30-1007.

(2) The small employer carrier may determine varying levels of deductibles, copayments, maximum annual out-of-pocket expenses, maximum lifetime benefits, and other financial cost-sharing arrangements with the insured that give the basic health benefit plan a lower benefit value than the standard health benefit plan.

(3) A basic health benefit plan provided by a health maintenance organization or a basic health benefit plan with a restricted network provision must provide a comparable level of benefits to those required by subsections (1) and (2), as determined by the benefit equivalency and benefit value.

NEW SECTION. **Section 6. Benefits required in standard benefit plan.** (1) The minimum benefits

must be equal to at least 75% of the covered expenses in excess of an annual deductible that does not exceed $500 per person or $1,000 per family. The coverage must include a limitation of $2,000 per person or $4,000 per family on the total annual out-of-pocket expenses for services covered. The coverage may be subject to a maximum lifetime benefit, but a maximum, if any, may not be less than $1 million.

(2) The commissioner may not require coverage in a standard health benefit plan for any benefit unless other provisions of Title 33, chapter 22, 30, or 31, specifically require coverage for the benefit. A small employer carrier may offer coverage for additional services and articles.

(3) A standard health benefit plan provided by a health maintenance organization or a basic health benefit plan with a restricted network provision must provide a comparable level of benefits to those required by subsection (1), as determined by the benefit equivalency and benefit value.

Section 7. Section 33-22-1818, MCA, is amended to read:

"**33-22-1818. Small employer carrier reinsurance program -- board membership.** (1) There is a nonprofit entity to be known as the Montana small employer health reinsurance program.

(2) (a) The program must operate subject to the supervision and control of the board. The board consists of nine members appointed by the commissioner plus the commissioner or the commissioner's designated representative, who shall serve as an ex officio member of the board.

(b) (i) In selecting the members of the board, the commissioner shall include representatives of small employers, small employer carriers, and other qualified individuals, as determined by the commissioner. At least six of the members of the board must be representatives of small employer carriers, one from each of the ~~five~~ four small employer carriers with the highest annual premium volume derived from health benefit plans issued to small employers in Montana in the previous calendar year, ~~and~~ one from the remaining small employer carriers, and one from a disability reinsurance carrier. One member of the board must be a ~~person licensed, certified, or otherwise authorized by the laws of Montana to provide health care in the ordinary course of business or in the practice of a profession~~ a representative of a health benefit plan with a restricted network provision. One member of the board must be a small employer who is not active in the health care or insurance fields. One member of the board must be a representative of the general public who is employed by a small employer and is not employed in the health care or insurance fields.

(ii) The initial board members' terms are as follows: one-third of the members shall serve a term of 1 year; one-third of the members shall serve a term of 2 years; and one-third of the members shall serve a term of 3 years. Subsequent board members shall serve for a term of 3 years. A board member's term continues until that member's successor is appointed.

(iii) A vacancy on the board must be filled by the commissioner. The commissioner may remove a board member for cause.

(3) ~~Within 60 days of July 1, 1993, and on~~ On or before March 1 of each year ~~after that date~~, each assessable carrier shall file with the commissioner the carrier's net health insurance premium derived from health benefit plans issued in this state in the previous calendar year."

"

Renumber: subsequent sections

31. Page 16, line 24.
Strike: "fiscal yearend"

32. Page 18, lines 4 and 5.
Following: "approximate"
Strike: "gross" on line 4 through "plan" on line 5
Insert: "the premiums necessary to recover one-half of the expenses for the calendar year. For purposes of this section, expenses include administrative expenses, one-half of the program net loss for the previous

calendar year, and the actuarially anticipated claims to be incurred"

33. Page 18, line 23.
Following: "losses"
Insert: ", and the actuarially anticipated losses for the calendar year. The sum of one-half of the program net loss for the previous calendar year plus the anticipated net loss for the calendar year must equal the total assessment amount. If the program net loss for the previous calendar year is zero or less, the total assessment amount must equal the actuarially anticipated losses for the calendar year"

34. Page 18, lines 24 through 28.
Strike: subsection (b) in its entirety
Insert: "(b) (i) Each assessable carrier shall share in the program in an amount determined by multiplying the total assessment amount by a fraction, the numerator of which is the number of individuals in this state covered under disability insurance by the assessable carrier and the denominator of which is the number of all individuals in this state covered under disability insurance by all assessable carriers.

(ii) The board shall make a reasonable effort to ensure that each insured individual is counted only once for the purpose of assessment. The board shall require each assessable carrier that provides excess of loss or stop loss insurance to include in its count of insured individuals all individuals whose coverage is reinsured in whole or in part, including coverage under excess of loss or stop loss insurance. The board shall allow an assessable carrier who is an excess of loss or stop loss insurer to exclude from its count of insured individuals those who have been counted by a primary disability insurer or by a primary reinsurer.

(iii) The board shall base each assessable carrier's assessment on reports filed with the commissioner as required by 33-22-1820. The board may use any reasonable method of estimating the number of individuals insured by an assessable carrier if the specific number is unknown."

35. Page 18, line 30.
Following: "share of the"
Strike: "net loss of"
Insert: "contribution to"

36. Page 19, line 1.
Strike: "fiscal yearend"

37. Page 19, lines 2 through 4.
Strike: "If" on line 2 through "carrier." on line 4

38. Page 19, line 5.
Strike: "a fiscal yearend or interim"
Insert: "an"

39. Page 19, lines 10 and 11.
Strike: subsection (d) in its entirety
Insert: "(d) The board may establish and maintain program reserves not to exceed five times the actuarially anticipated losses for the calendar year.

(e) If the sum of the reinsurance premiums and assessments in any calendar year exceeds the sum of the administrative expenses and incurred claims for that year, the board may proportionately credit the excess to assessable carriers or it may place the excess in program reserves, subject to the limits in subsection (8)(d)."

40. Page 19, line 30.
Strike: "["

41. Page 20, line 1.
Strike: "] [, IN CONSULTATION WITH MEMBERS OF THE COMMITTEE,]"

42. Page 20, lines 11 through 17.
Following: "laws." on line 11
Strike: the remainder of line 11 through line 17
Insert: "Except as provided in [section 5], a small employer carrier may exclude any category of licensed health care practitioner and any benefit or coverage for health care services otherwise required by law or rule from a basic health benefit plan delivered or issued for delivery in this state."

43. Page 20, line 18.
Insert: "

NEW SECTION. **Section 11. Insured lives reporting requirement.** On or before February 15 of each year, each insurer providing disability insurance shall, on a form prescribed by the commissioner, report the number of Montana residents insured on February 1 under any policy of individual or group disability insurance, including or excess of loss or stop loss insurance policies covering disability insurance.

NEW SECTION. **Section 12. Reentry by a carrier.** A carrier that elected to not renew all of its health benefit plans pursuant to 33-22-1810(1)(f) may notify the commissioner within 180 days of [the effective date of this act] of its intent to comply with Title 33, chapter 22, part 18."

Renumber: subsequent sections

44. Page 20, line 19.
Strike: "CONTINGENT REPEALER"
Insert: "Repealer"

45. Page 20, line 20.
Following: "repealed"
Strike: the remainder of line 20 through "531"

46. Page 20, lines 22 through 27.
Strike: section 9 in its entirety
Renumber: subsequent section

47. Page 21, line 2.
Insert: "

NEW SECTION. **Section 14. Codification instruction.** [Section 11] is intended to be codified as an integral part of Title 33, chapter 2, part 7, and the provisions of Title 33, chapter 2, part 7, apply to [section 11].

NEW SECTION. **Section 15. Coordination instruction.** If House Bill No. 533 is passed and approved and contains a section implementing a uniform health benefit plan, then the bracketed phrases in 33-22-1803 must be included."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 533, be amended as follows:

1. Title, line 11.
Following: "INSURER;"
Insert: "REQUIRING DISCLOSURE OF CERTAIN POLICY FEATURES AT OR BEFORE THE TIME OF APPLICATION; CREATING A LOW-COST UNIFORM HEALTH BENEFIT PLAN; CAPPING PREMIUM RATES ON CERTAIN CONVERSION POLICIES;"

2. Title, line 11.
Strike: "SECTION"
Insert: "SECTIONS"

3. Title, line 12.
Following: "33-22-101,"
Insert: "33-22-508, AND 33-30-1007,"

4. Page 1, line 19.
Following: "CONTRACT"
Strike: "PRODUCT TYPE"
Insert: "filed and approved by the commissioner pursuant to 33-1-501 and"

5. Page 1, line 20.
Strike: "TYPE OF"

6. Page 1, line 23.
Strike: "OR"
Following: "ORGANIZATION"
Insert: ", or a fraternal benefit society"

7. Page 1, line 26.
Following: "issued"
Strike: "or delivered for issue"
Insert: "for delivery"

8. Page 1, lines 27 and 28
Strike: "or" on line 27 through "individuals" on line 28

9. Page 1, line 29.
Strike: "self-insured" in two places
Insert: "self-funded" in two places

10. Page 2, line 8.
Following: "FOR"
Strike: the remainder of line 8 through "year"

11. Page 2, lines 11 and 12.
Following: "FOR"
Strike: the remainder of line 11 through "year" on line 12

12. Page 2, line 22.
Strike: "a group or"
Insert: "an"

13. Page 2, line 24.
Following: "charges for"
Insert: "individual"

14. Page 2, line 27.
Following: "BUSINESS"
Insert: "as defined in [section 1]"

15. Page 3, line 8.
Following: "means a"
Strike: the remainder of line 8
Insert: "disability insurer, a health service corporation, a health maintenance organization, or a fraternal benefit society."

16. Page 3, line 9.
Insert: "(3) The provisions of Title 33, chapter 1, parts 3 and 7, apply to this section."

17. Page 3, line 25.
Insert: "

NEW SECTION. **Section 5. Disclosure standards -- individual policy.** (1) In order to provide for full and fair disclosure in the sale of disability insurance, an individual disability insurance policy may not be delivered or issued for delivery in this state unless an outline of coverage is delivered to the applicant at the time the application is made.

(2) The outline of coverage must include:

(a) a general description of the principal benefits and coverages provided by the policy;

(b) a general description of the insured's financial responsibility under the policy, including, if applicable, the amount of the deductible, the amount or percentage of copayment, and the maximum annual out-of-pocket expenses to be paid by the insured;

(c) a statement of the maximum lifetime benefit available under the policy;

(d) a statement of the estimated periodic premium to be paid by the insured;

(e) a general description of the factors or case characteristics that the insurer may consider in establishing or changing the premiums and, if applicable, in determining the insurability of the applicant; and

(f) a general description of the trend of premium increases or decreases for comparable policies issued by the insurer during the preceding 5 years, if the trend data is available.

(3) The outline of coverage may include any other information that the insurer considers relevant to the applicant's selection of an appropriate individual disability policy.

(4) An insurer or producer shall provide to an individual, upon request, an outline of coverage for any health benefit product marketed to the general public. The outline of coverage provided under this subsection may exclude the statement of the estimated periodic premium to be paid by the insured.

NEW SECTION. **Section 6. Disclosure standards -- group policy.** (1) In order to provide for full and fair disclosure in the sale of disability insurance, a group disability insurance policy may not be delivered or issued for delivery in this state unless an outline of coverage is delivered to the applicant at the time the application is made.

(2) The outline of coverage must include:

(a) a general description of the principal benefits and coverages provided by the policy;

(b) a general description of the insured's financial responsibility under the policy, including, if applicable, the amount of the deductible, the amount or percentage of copayment, and the maximum annual out-of-pocket expenses to be paid by the insured;

(c) a statement of the maximum lifetime benefit available under the policy;

(d) a statement of the estimated periodic premium to be paid by the insured;

(e) a general description of the factors or case characteristics that the insurer may consider in establishing or changing the premiums and, if applicable, in determining the insurability of the applicant; and

(f) a general description of the trend of premium increases or decreases for comparable policies issued by the insurer during the preceding 5 years, if the trend data is available.

(3) If applicable, the outline of coverage must disclose that the policy does not contain coverage for mental illness or chemical dependency.

(4) The outline of coverage may include any other information that the insurer considers relevant to the applicant's selection of an appropriate group disability policy.

(5) An insurer or producer shall provide to an individual, upon request, an outline of coverage for any health benefit product marketed to the general public. The outline of coverage provided under this subsection may exclude the statement of the estimated periodic premium to be paid by the insured.

NEW SECTION. **Section 7. Disclosure standards -- health maintenance organizations.** (1) In order to provide for full and fair disclosure in the sale of disability insurance, an enrollment form or evidence of coverage may not be delivered or issued for delivery in this state by a health maintenance organization unless an outline of coverage is delivered to the applicant at the time the application is made. The outline of coverage must be filed with the commissioner as required by 33-1-501.

(2) The outline of coverage must include:

(a) a general description of the principal benefits and coverages provided by the policy;

(b) a general description of the insured's financial responsibility under the policy, including, if applicable, the amount of the deductible, the amount or percentage of copayment, and the maximum annual out-of-pocket expenses to be paid by the insured;

(c) a statement of the maximum lifetime benefit available under the policy;

(d) a statement of the estimated periodic premium to be paid by the insured;

(e) a general description of the factors or case characteristics that the insurer may consider in establishing or changing the premiums and, if applicable, in determining the insurability of the applicant; and

(f) a general description of the trend of premium increases or decreases for comparable policies issued by the insurer during the preceding 5 years, if the trend data is available.

(3) The outline of coverage may include any other information that the insurer considers relevant to the applicant's selection of an appropriate health benefit plan.

(4) An insurer or producer shall provide to an individual, upon request, an outline of coverage for any health benefit product marketed to the general public. The outline of coverage provided under this subsection may exclude the statement of the estimated periodic premium to be paid by the insured.

NEW SECTION. **Section 8. Uniform health benefit plan -- individual.** (1) Each insurer or health service corporation delivering or issuing for a delivery in this state an individual disability insurance policy, certificate, or contract shall make available a uniform health benefit plan providing the benefits and services required in subsection (2).

(2) The uniform health benefit plan must:

(a) provide coverage for the services and articles required by 33-22-1521(2);

(b) pay 50% of the covered expenses in excess of an annual deductible that may not exceed $1,000 per

person or $2,000 per family;

(c) include a limitation of $5,000 per person or $7,500 per family on the total annual out-of-pocket expenses for services covered; and

(d) be subject to a maximum lifetime benefit of $1 million.

NEW SECTION. **Section 9. Uniform health benefit plan -- group.** (1) Each insurer or health service corporation delivering or issuing for a delivery in this state a group disability insurance policy, certificate, or contract shall make available a uniform health benefit plan providing the benefits and services required in subsection (2).

(2) The uniform health benefit plan must:

(a) provide coverage for the services and articles required by 33-22-1521(2);

(b) pay 50% of the covered expenses in excess of an annual deductible that may not exceed $1,000 per person or $2,000 per family;

(c) include a limitation of $5,000 per person or $7,500 per family on the total annual out-of-pocket expenses for services covered; and

(d) be subject to a maximum lifetime benefit of $1 million.

NEW SECTION. **Section 10. Uniform health benefit plan -- health maintenance organization.** Each health maintenance organization delivering or issuing for a delivery in this state an enrollment form or evidence of coverage shall make available a uniform health benefit plan [providing benefit equivalency and benefit value, as defined in section 1 of House Bill No. 466] comparable to the uniform health benefit plan required in [section 8(2)].

Section 11. Section 33-22-508, MCA, is amended to read:

"**33-22-508. Conversion on termination of eligibility.** (1) A group disability insurance policy issued or renewed after October 1, 1981, must contain a provision that if the insurance or any portion of it on a person, ~~his~~ a person's dependents, or family members covered under the policy ceases because of termination of ~~his~~ the person's employment or of ~~his~~ the person's membership in the class or classes eligible for coverage under the policy or as a result of ~~his~~ a person's employer discontinuing ~~his~~ the employer's business or as a result of ~~his~~ a person's employer discontinuing the group disability insurance policy and not providing for any other group disability insurance or plan and if the person had been insured for a period of 3 months and ~~he~~ the person is not insured under another major medical disability insurance policy or plan, ~~he~~ the person is entitled to have issued to ~~him~~ the person by the insurer, without evidence of insurability, group coverage or an individual policy issued by the insurer or, in the absence of an individual policy issued by the insurer, a group policy issued by the insurer, of hospital or medical service insurance on ~~himself~~ the person, ~~his~~ or the person's dependents, or family members if application for the individual policy is made and the first premium tendered to the insurer within 31 days after the termination of group coverage.

(2) The individual policy or group policy, at the option of the insured, may be on any form then customarily issued by the insurer to individual or group policyholders, with the exception of a policy the eligibility for which is determined by affiliation other than by employment with a common entity. In addition, the insurer shall make available a conversion policy as required by subsection (4).

(3) The premium on the individual policy or group policy must be at the insurer's then customary conversion rate applicable to the coverage of the individual or group policy.

(4) The insurer shall make available an individual conversion policy that provides the level of benefits provided by the insurer's lowest cost basic health benefit plan, as defined in 33-22-1803. If the insurer is not a small employer carrier under part 18, the insurer shall make available an individual conversion policy that provides equivalent benefits to a basic health benefit plan. The conversion rate may not exceed 150% of the highest rate charged for that plan."

Section 12. Section 33-30-1007, MCA, is amended to read:

"**33-30-1007. Conversion on termination of eligibility.** (1) The group hospital or medical service plan contract issued or renewed by a health service corporation after October 1, 1981, shall contain a provision that if the insurance or any portion of it on a person, ~~his~~ or a person's dependents~~,~~ or family members covered under the policy ceases because of termination of ~~his~~ the person's employment or of ~~his~~ a person's membership in the class or classes eligible for coverage under the policy, as a result of an employer discontinuing ~~his~~ the employer's business, or as a result of an employer discontinuing the policy issued by the health service corporation and not providing for any other group disability insurance or plan, ~~such~~ a person shall, provided ~~he~~ that the person has been insured for a period of 3 months and that ~~he~~ the person is not insured under another major medical disability insurance policy or plan, be entitled to have issued to ~~him~~ the person by the insurer, without evidence of insurability, an individual policy of hospital or medical service insurance on ~~himself~~ the person~~, his~~ or the person's dependents~~,~~ or family members~~, provided application~~. Application for the individual policy ~~shall~~ must be made and the first premium tendered to the insurer within 31 days after the termination of group coverage.

(2) The individual policy shall, at the option of the insured, be on any of the forms then customarily issued by the insurer to individual policyholders with the exception of those whose eligibility is determined by their affiliation other than by employment with a particular entity. In addition, the health services corporation shall make available a conversion policy as required by subsection (4).

(3) The premium on the individual policy ~~shall~~ must be at the insurer's then customary conversion rate applicable to the coverage of the individual policy but may not be greater than 150% of the insurer's highest group rate for a policy with the same benefits as the conversion policy.

(4) The health service corporation shall make available an individual conversion policy that provides the level of benefits provided by its lowest cost basic health benefit plan, as defined in 33-22-1803. If the insurer is not a small employer carrier under chapter 22, part 18, the insurer shall make available an individual conversion policy that provides equivalent benefits to a basic health benefit plan. The conversion rate may not exceed 150% of the highest rate charged for that plan."

NEW SECTION. **Section 13. Coordination instruction.** If House Bill No. 466 is passed and approved, then the bracketed language in [section 10], referring to benefit equivalency and benefit value, must be codified."

Renumber: subsequent sections

18. Page 3, lines 29 and 30.
Strike: "1"
Insert: "2"

19. Page 4, line 1.
Insert: "(3) [Sections 5 and 8] are intended to be codified as an integral part of Title 33, chapter 22, part 2, and the provisions of Title 33, chapter 22, part 2, apply to [sections 5 and 8].

(4) [Sections 6 and 9] are intended to be codified as an integral part of Title 33, chapter 22, part 5, and the provisions of Title 33, chapter 22, part 5, apply to [sections 6 and 9].

(5) [Sections 7 and 10] are intended to be codified as an integral part of Title 33, chapter 31, part 3, and the provisions of Title 33, chapter 31, part 3, apply to [sections 7 and 10]."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 17, 1995

The Honorable Bob Brown
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown:

Please be informed that I have signed **SB 40** sponsored by Senator Benedict, **SB 84** sponsored by Senator Christiaens et al, **SB 284** sponsored by Senator Van Valkenburg et al, **SB 302** sponsored by Senator Jabs and **SB 327** sponsored by Senator Klampe on March 17, 1995.

Sincerely,

MARC RACICOT
Governor

MOTIONS

SB 38 - Senator Harp moved that the President be authorized to appoint a Joint Conference Committee and request that the House appoint a like committee to confer on SB 38. Motion carried.

President Brown appointed the following members:

Senator Benedict, Chairman
Senator Hertel
Senator Lynch

HB 157 - Senator Van Valkenburg moved consideration of HB 157 on third reading this legislative day be passed until the sixty-fourth legislative day. Motion carried unanimously.

FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time, and referred to committee:

SB 423, introduced by Grosfield and Anderson, referred to Committee on Education.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 219 passed as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 200, as amended, concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 355 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 461 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 475 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 489 concurred in as follows:

Yeas: Aklestad, Baer, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crippen, Crismore, Devlin, Doherty, Eck, Emerson, Estrada, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HJR 4 concurred in as follows:

Yeas: Aklestad, Beck, Benedict, Bishop, Burnett, Crippen, Crismore, Devlin, Doherty, Emerson, Forrester, Foster, Franklin, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Lynch, Mesaros, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Mr. President.
Total 37

Nays: Baer, Bartlett, Brooke, Christiaens, Eck, Estrada, Klampe, Miller, Waterman.
Total 9

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swysgood in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 336 - Senator Beck moved SB 336 do pass. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Emerson, Foster, Franklin, Gage, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Mohl, Nelson, Pipinich, Sprague, Tveit, Mr. President.
Total 27

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Estrada, Forrester, Grosfield, Halligan, Klampe, Lynch, Miller, Stang, Swysgood, Toews, Van Valkenburg, Waterman, Weldon.
Total 19

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.

Total 4

Senator Harp moved the committee rise and beg leave to sit again. Motion carried. Committee arose.

SPECIAL ORDERS OF THE DAY

Senators Crippen and Van Valkenburg escorted the Honorable Senator Max Baucus into the Senate chamber where he delivered the following address:

Good morning. Speaker Mercer, President Brown, and members of our 54th Legislature, I thank you for inviting me to speak this morning.

And I thank you for your service to our state. You are Democrats and Republicans, conservatives and liberals. You come from the ranch, the classroom, the sawmill and the law office. Some of you are eighth-generation Montanans. Some are newcomers. Some of your families have been on Montana soil for five thousand years. But as our Governor said a few weeks ago, in Montana our similarities far outweigh our differences.

As the poet Dante Alighieri wrote, seven hundred years ago:

"Let there be no doubt in the mind of the man who has benefitted from the common heritage, but does not trouble to contribute to the common good, that he is failing sadly in his duty."

Our parents and our grandparents understood that. They lived by it. They left us a tradition of civility and small-town decency. A natural heritage of clean air, clean water and unspoiled natural wonders. A belief in open government, freedom and democracy.

That is an extraordinary legacy. No sum of money could buy it. And in our times as in theirs, its preservation depends on an informed, involved citizenry. We Montanans still understand that, and we still live by it. And this, the people's Legislature, is proof enough.

A FUNDAMENTAL DEBATE

I hope and I have faith that these Montana values will never change. But much else in the world is changing very quickly.

Modern roads, new telecommunications services, cable TV and satellite dishes, computers and modems, all combine to bring us closer to the big cities and the world markets than ever before. The end of the Cold War has changed our entire country's role in the world. Businesses are changing their ways to keep up. And government must do the same.

And thus, a fundamental, healthy debate has begun about the role of government. What role should government play in this new era? How can we make it more efficient? Which programs have run their course, and which services are still essential?

Montanans are debating these questions in their homes; on the job; and here in the Legislature. At times these are heated debates. But as I think about them, and discuss them with my family, and listen to the views of Montanans, I find three basic principles on which most of us agree.

First, government must live within its means.

Second, government still has essential responsibilities.

And third, government must be closer and more responsive to the people.

THE BALANCED BUDGET AMENDMENT

Let us start with the first. The government -- in particular, the federal government -- must live within its means.

Every year since 1981, we have borrowed between $150 and $200 billion. In that time, our national debt grew to nearly five trillion dollars. And it is still growing about 5% a year, faster than our economy will grow in the foreseeable future. So every year, the debt is bigger relative to our economy and interest rates swallow more of our national income.

Last year, for the first time, federal net interest payments topped $200 billion. Next year it will be $260 billion -- a thousand dollars for every American man, woman and child. Our country simply cannot live with that. And that is why I came to support the Balanced Budget Amendment.

LIVING WITHIN OUR MEANS

Whether or not this Amendment ultimately passes, Washington must learn to live within its means. And that will mean some pain here at home -- where for every dollar we pay in federal taxes, a dollar and fifty-one cents comes back. But we can begin by simply cutting wasteful government spending.

Last year I looked into overspending on federal courthouses. I found judges in Boston, Phoenix and New York spending our taxpayers' money on rosewood panelling for their offices and private kitchens. And I cut $180 million out of their budgets.

The intelligence services' National Reconnaissance Office in Northern Virginia, with a sauna and a fountain. Twelve million dollars for "TV Marti" to broadcast "Laverne and Shirley" reruns to Cuba at 3:00 a.m..

The Army Corps of Engineers. Taking thousands of acres of the best bottom land in the world from Roosevelt, McCone and Richland Counties and washing it into Lake Sakakawea. Costing us millions in tourism revenue at the Fort Peck Reservoir and the CMR. Taking our water year after year after year.

The Corps has committed abuses of such magnitude that, as Ken Byerly of the Lewistown News Argus puts it, fixing the problem is "a job as big as eating an elephant." Well, we're firing up the grill and ready to carve some steaks. And it may take years, but we will do the job.

Beyond this, however, there will be hard, painful decisions ahead. The Department of Agriculture is shutting some Montana field offices this year. I think they had to do it. Their decision makes sense, and we will see more like it in the future.

GOING TOO FAR

But our state has a valuable tradition of moderation. We reject extremism. We believe in balance. And we know that just like spending, cutting can go too far. As we eliminate the programs we don't need, we must protect the services we do need.

We need to make investments in the education of our children today if we want Montana to prosper tomorrow.

Last year, a federal grant helped Superintendent Svee buy a new computer system for kids in the Hardin School District. Another grant put the Townsend Library on the Internet. Federal help buys lunch and breakfast for young children all across the state. That is money well spent. For the federal government to cut it out would be wrong.

Here at home we must protect and invest in our public schools and universities. Our children deserve the same chance for success as kids from California, New York and Japan. We must never tell them to leave the Big Sky if they want their shot at the dream.

So I hope this Legislature will give our education system the support it needs. Whether it is the overall university budget, or specific items like matching funds for the Bioscience Building at Montana State which Pat and Conrad and I worked together to fund, the money is worth it. Our schools need your support.

In other areas, cuts can hurt as well as help. Last year, for example, the Forest Service decided to move Region One to Denver, hundreds of miles from the woods they're supposed to manage. Amtrak cut Empire Builder service on the Hi-line to four days a week at the height of the ski season. The USDA wants to eliminate research on leafy spurge -- a disease that costs producers $144 million a year -- at the Sidney Research Station. Penny-wise, pound foolish mistakes.

The Air Force wants to move the tanker squadron at Malmstrom to MacDill Airfield in Florida. That takes 1,000 jobs out of Great Falls and -- more important -- weakens our defense. And President Clinton wants to sell the Western Area Power Administration, raising electric rates on small business and families.

ESSENTIAL SERVICES

All this illustrates the second principle -- that there are some essential services that only government can provide. Education is one.

Highways are another. Our farms, ranches, mines and mills need to be linked to the market with the best, most modern roads in the world. That costs money. When my National Highway System bill passes, the federal government will send us $82 million a year. That roads it builds will contribute to our economy for decades. And each year, it will create three thousand construction jobs. High-paying new jobs that help us keep our kids at home. Does anyone imagine that we are better off refusing to invest that money?

What else must government do?

Protect senior citizens by keeping Social Security and Medicare strong.

Help small towns promote economic development, as the EDA did last year when mills closed in Libby and Superior, and A&S Industries on the Fort Peck Reservation needed helping converting from military to civilian industry.

Make sure we have clean air, clean water and clean neighborhoods. People in Billings deserve fresh air. People on the Clark Fork deserve safe drinking water.

Guarantee food safety.

Offer unemployment insurance and job training to working people in a tough spot.

Support our agriculture with a sound farm program.

Put police on the street to help our towns, counties and reservations keep their neighborhoods safe.

Keep the nation secure and pay the debt to our military veterans.

These are essential services. Our communities -- our state -- our nation -- need them. Our parents were willing to sacrifice to give us good educations. To keep our neighborhoods clean and safe. And to defend America. Because they sacrificed, we have the good life we now enjoy. And we must do the same for the next generation of Montana children.

CLOSER TO THE PEOPLE

And the third principle is this. While government has essential tasks, it does them best when it is closest to the people.

That's why I spend so much time walking. Out on the roads, you meet a lot of people. They tell you what's on their mind. What's going wrong, what's right. Where they need help and -- more often -- where they want to be left alone.

As our Founders understood, ordinary, middle-class people are pretty good at running their lives. And when government gets too big and adds too many layers of bureaucracy, it starts to forget that. It tries to do too much. And it starts to push people around instead of helping them out.

Here is an example. A month ago, some loggers who work in the Flathead, Kootenai and Bitterroot forests called my staffer Sue Tillett to a meeting. They said that OSHA, the Occupational Safety and Health Administration, had ordered them to buy steel-toed, chainsaw-resistant boots to protect their feet. They had two weeks grace, and after that it was no boots, no work.

Well, steel-toed boots may sound good to someone at a desk in Washington. But here in Montana, they can make the job more dangerous, not less. On a cold day they make your feet go numb. When your feet go numb out on a steep hill, you can slip and fall. And that's no joke when you're holding a live chainsaw.

Because these loggers acted so fast, I was able to get to the Secretary of Labor. He agreed to stop the regulations, and last week he wrote me to say he wants to meet with the loggers personally. And though we're not done yet, I think we'll get a happy ending.

But the fact is, nobody at a desk in Washington should be telling people in the Flathead what kind of shoes to wear. Our middle-class people -- the people who work, pay taxes, and keep the country going -- the people government is meant to serve -- understand their needs better than anyone else.

That's why I want to give Governor Racicot and people like Mayor Kurkowski of Miles City the power to say "no" to big city garbage entrepreneurs who want to dump on our prairie towns. Listen to their plan.

Trash would come in on empty coal trains running back out of Minneapolis. Each train 110 cars long, and each car fifty feet long, ten feet wide and eleven feet high. In total, a giant garbage snake over a mile long, shedding rotten food, broken glass and used diapers into the Yellowstone River at every bend in the track. Imagine that steaming into a small town on a hot summer day like a dry land Leviathan. It is a scandal. And Miles City should have the right to say "no."

So whenever possible, decisions should be local. And if they have to be national, people who make them need to get away from the bureaucracy. They should meet the people in person.

That's why I asked Mr. Reich to meet the Flathead loggers about OSHA. And it is why, when our Hi-Line grain producers went through the flood of Canadian wheat, I brought a few of them to the White House to meet Mike Espy and Bob Rubin. And that got results. A year ago, three hundred Canadian grain trucks a week were crossing the border at the Port of Sweetgrass. Once we almost hit four hundred. Today it's down to thirty a week.

LUCKY TO BE MONTANANS

But things like that don't happen often enough. A lot of Montanans are angry at the federal government. They are right to be angry. Government doesn't listen very much. Bureaucrats and special interests are too powerful.

And we have challenges that go well beyond government. The cost of health insurance. The price of housing. The slow growth of Montana incomes.

We must address those problems. We must work together to remedy those complaints. But every once in a while, we should also stop to appreciate our blessings.

We are lucky to be Americans.

We are at peace. For the first time in over sixty years -- for the first time since Adolf Hitler took power in 1933 -- America faces not a single deadly foreign threat.

We are prosperous. America's economy is booming; growing faster and creating more jobs than it has in a decade.

And we are lucky to be Montanans.

We live in the most beautiful place in the world. The land of the bear, the eagle and the cutthroat trout. Of wooded mountains and blue ribbon streams. As I walk our roads -- through a snowfall from Livingston over the windy hill to Bozeman -- down the Lewis and Clark route from Helena to the Missouri headwaters at Three Forks -- I appreciate it all the more.

We are decent people. I will never forget the waitress I met on a walk down the Bitterroot Valley to Hamilton last month. She was in her 60s, in a little coffee shop in Florence. Her husband had died a few years earlier. Ever since, she needed to work to replace the pension, and help support a sick daughter. She asked if I could help her with SSI. I said of course I would, but then she said she didn't want any special treatment, because a lot of people are worse off and needed help more.

We are good neighbors, in an age when so much of our country is beset by crime and the breakdown of civility. Billings stood as one against the skinheads and hate groups who targeted our Jewish community. The whole state came together in the effort to bring the MICRON company to Butte.

And our old-fashioned values are alive and well. In Montana, character counts more than money. People think more about their children than themselves. The basic principles of democracy are reality.

As the Athenian statesman Pericles said:

"Our city is called a democracy because it is governed by the many, not the few. In the realm of private disputes

everyone is equal before the law, but when it is a matter of public honors each man is preferred not on the basis of his class but of his good reputation and his merit. No one, moreover, if he has it in him to do some good for the city, is barred because of poverty or humble origins."

That is still true here in the last, best place. All of you today are living proof -- from old veterans like Bob Brown, Hal Harper, "Red" Menahan and Joe Quilici; to those who just went through your first transmittal a few weeks ago.

May the Lord bless your work, and continue to lend his grace to the land we love so much.

Thank you.

The Honorable Senator Max Baucus was escorted out of the Senate chamber by Senators Crippen and Van Valkenburg.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Harp moved that the Senate resolve itself into the Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swysgood in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 320 - Senator Harp moved HB 320 be concurred in. Motion carried with Senator Bartlett voting nay.

Senator Foster assumed the chair.

HB 431 - Senator Stang moved HB 431 be concurred in. Motion carried unanimously.

HJR 22 - Senator Swysgood moved HJR 22 be adopted. Motion carried unanimously.

Senator Swysgood resumed the chair.

HJR 25 - Senator Lynch moved HJR 25 be adopted. Motion carried unanimously.

SB 8 House Amendments - Senator Crippen moved House Amendments to SB 8 be concurred in. Motion carried unanimously.

SB 78 House Amendments - Senator Grosfield moved House Amendments to SB 78 be concurred in. Motion carried unanimously.

SB 112 House Amendments - Senator Stang moved House Amendments to SB 112 be concurred in. Motion carried unanimously.

SB 121 House Amendments - Senator Hertel moved House Amendments to SB 121 be concurred in. Motion carried unanimously.

SB 122 House Amendments - Senator Devlin moved consideration of House Amendments to SB 122 be placed below House Amendments to SB 374 on the second reading board. Motion carried.

SB 147 House Amendments - Senator Hertel moved House Amendments to SB 147 be concurred in. Motion carried unanimously.

SB 163 House Amendments - Senator L. Nelson moved House Amendments to SB 163 be not concurred in. Motion carried unanimously.

SB 181 House Amendments - Senator Weldon moved House Amendments to SB 181 be concurred in. After discussion, Senator Tveit made a substitute motion that House Amendments to SB 181 be not concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Emerson, Estrada, Foster, Grosfield, Harding, Harp, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Toews, Tveit.
Total 25

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Eck, Forrester, Franklin, Halligan, Hargrove, Hertel, Klampe, Lynch, Nelson, Pipinich, Stang, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 20

Absent or not voting: Gage.
Total 1

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

SB 201 House Amendments - Senator Burnett moved House Amendments to SB 201 be concurred in. After discussion, Senator Van Valkenburg made a substitute motion that House Amendments to SB 201 be not concurred in. Motion passed as follows:

Yeas: Baer, Bartlett, Bishop, Brooke, Christiaens, Crippen, Doherty, Eck, Forrester, Franklin, Grosfield, Halligan, Harding, Harp, Klampe, Lynch, Mesaros, Nelson, Pipinich, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon.
Total 26

Nays: Aklestad, Beck, Benedict, Burnett, Crismore, Devlin, Emerson, Estrada, Foster, Gage, Hargrove, Hertel, Holden, Jabs, Jenkins, Keating, Miller, Mohl, Sprague, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

SB 204 House Amendments - Senator Grosfield moved House Amendments to SB 204 be concurred in. Motion carried with Senators Beck, Mohl and Swysgood voting nay.

SB 207 House Amendments - Senator Mesaros moved House Amendments to SB 207 be concurred in. Motion carried unanimously.

SB 211 House Amendments - Senator Keating moved House Amendments to SB 211 be concurred in. Motion carried unanimously.

SB 258 House Amendments - Senator Bartlett moved House Amendments to SB 258 be concurred in. Motion carried unanimously.

SB 277 House Amendments - Senator L. Nelson moved House Amendments to SB 277 be concurred in. Motion carried unanimously.

SB 374 House Amendments - Senator Harp moved House Amendments to SB 374 be concurred in. Motion carried unanimously.

SB 122 House Amendments - Senator Toews moved House Amendments to SB 122 be concurred in. Motion carried unanimously.

Senator Lynch assumed the chair.

HB 150 - Senator Estrada moved HB 150 be concurred in. Motion carried unanimously.

HB 273 - Senator Foster moved consideration of HB 273 be passed for the day. Motion carried unanimously.

HB 311 - Senator Beck moved HB 311 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Eck, Emerson, Forrester, Foster, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Lynch, Mesaros, Miller, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Mr. President.
Total 35

Nays: Bartlett, Bishop, Brooke, Christiaens, Doherty, Estrada, Klampe, Van Valkenburg, Waterman, Weldon.
Total 10

Absent or not voting: Franklin.
Total 1

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 380 - Senator Grosfield moved HB 380 be concurred in. Motion carried unanimously.

HB 467 - Senator Foster moved HB 467 be concurred in. After discussion, Senator Foster moved that consideration of HB 467 be passed below HB 335 on the second reading board for purpose of amendment. Motion carried unanimously.

HB 501 - Senator Holden moved HB 501 be concurred in. Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Crippen, Crismore, Devlin, Emerson, Forrester, Foster, Gage, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jenkins, Keating, Mesaros, Miller, Mohl, Nelson, Sprague, Stang, Swysgood, Toews, Mr. President.
Total 30

Nays: Bartlett, Brooke, Christiaens, Doherty, Eck, Estrada, Franklin, Halligan, Harding, Klampe, Lynch, Pipinich, Van Valkenburg, Waterman, Weldon.
Total 15

Absent or not voting: Tveit.
Total 1

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

HB 551 - Senator Doherty moved HB 551 be concurred in. Motion carried as follows:

Yeas: Bishop, Brooke, Christiaens, Doherty, Eck, Emerson, Foster, Franklin, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jenkins, Lynch, Mesaros, Miller, Pipinich, Sprague, Stang, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 25

Nays: Aklestad, Baer, Bartlett, Beck, Benedict, Burnett, Crippen, Crismore, Devlin, Estrada, Forrester, Gage, Harding, Harp, Keating, Klampe, Mohl, Nelson, Swysgood, Toews, Tveit.
Total 21

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

SB 358 - Senator Halligan moved SB 358, second reading copy, be amended as follows:

1. Page 1.
Following: line 10
Insert: "

STATEMENT OF INTENT

This bill extends by 2 years the termination date for the recycling tax credit provided for in 15-32-602 and the recycling tax deduction provided for in 15-32-610. It also expands the application of the credit to include investments in equipment used to treat soils contaminated by hazardous wastes. In order to implement the tax credit for capital investments in property purchased to collect or process reclaimed material, including soil that has been contaminated by hazardous wastes, provided for under 15-32-602, the department of revenue shall make a determination about the equipment and processes that qualify. It is the intent of the legislature that the department of health and environmental sciences, upon request, assist the department of revenue in making that determination."

Motion carried unanimously.

Senator Halligan moved SB 358, as amended, do pass. Motion carried unanimously.

SB 412 - Senator Grosfield moved SB 412, second reading copy, be amended as follows:

1. Title, line 24.
Following: "SECTIONS"
Insert: "15-16-121,"

2. Title, line 28.
Following: "MCA"
Insert: ", AND CHAPTER 33, LAWS OF 1995"

3. Page 48, line 8.
Following: "Sections"
Insert: "15-16-121,"

4. Page 48, line 12.
Following: "MCA,"
Insert: "and Chapter 33, Laws of 1995,"

Motion carried unanimously.

Senator Gage moved SB 412, second reading copy, be further amended as follows:

1. Page 7, line 28.
Strike: "16.5%"
Insert: "18.2%"

2. Page 8, line 4.
Following: "line 3"
Insert: "(i)"
Strike: "and post-1985"
Strike: "11%"
Insert: "10.7%"
Strike: "16.5%"
Insert: "18.2%"

3. Page 8, line 5.
Following: line 4
Insert: "(ii) post-1985 wells 10.7% 16.5%"

Motion failed as follows:

Yeas: Baer, Bishop, Burnett, Christiaens, Emerson, Estrada, Gage, Hargrove, Holden, Jabs, Jenkins, Keating, Klampe, Miller.
Total 14

Nays: Aklestad, Bartlett, Beck, Benedict, Brooke, Crippen, Crismore, Devlin, Doherty, Eck, Forrester, Foster, Franklin, Grosfield, Halligan, Harding, Harp, Hertel, Lynch, Mesaros, Mohl, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Waterman, Weldon, Mr. President.

Total 32

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

Senator Tveit moved SB 412, second reading copy, be further amended as follows:

1. Page 7, line 28.
Strike: "16.5%"
Insert: "17.1%"

2. Page 8, lines 1 and 2.
Strike: "16.5%"
Insert: "15%"

3. Page 8, line 4.
Following: line 3
Insert: "(i)"
Strike: "and post-1985"
Strike: "11%"
Insert: "10.7%"
Strike: "16.5%"
Insert: "17.1%"

4. Page 8, line 5.
Following: line 4
Insert: "(ii) post-1985 wells 10.7% 15%"

Motion carried as follows:

Yeas: Aklestad, Baer, Beck, Benedict, Bishop, Burnett, Christiaens, Crismore, Eck, Emerson, Gage, Harding, Hargrove, Holden, Jabs, Jenkins, Keating, Klampe, Lynch, Mesaros, Miller, Mohl, Pipinich, Sprague, Swysgood, Tveit.
Total 26

Nays: Bartlett, Brooke, Crippen, Devlin, Doherty, Estrada, Forrester, Foster, Franklin, Grosfield, Halligan, Harp, Hertel, Nelson, Stang, Toews, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: Cole, Jacobson, Jergeson, Wilson.
Total 4

Senator Baer excused at this time.

Senator Grosfield moved SB 412, as amended, do pass. Motion carried with Senator Toews voting nay.

HB 89 - Senator Waterman moved consideration of HB 89 be passed until the sixty-fourth legislative day. Motion carried unanimously.

HB 335 - Senator Benedict moved HB 335 be concurred in. Motion carried with Senator Toews voting nay.

HB 467 - Senator Foster moved HB 467 be concurred in. Motion carried as follows:

Yeas: Aklestad, Beck, Benedict, Bishop, Burnett, Crippen, Crismore, Devlin, Eck, Emerson, Estrada, Foster, Gage, Grosfield, Harding, Hargrove, Harp, Hertel, Holden, Jenkins, Keating, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Toews, Tveit, Waterman, Mr. President.
Total 31

Nays: Bartlett, Brooke, Christiaens, Doherty, Forrester, Franklin, Halligan, Klampe, Lynch, Nelson, Pipinich, Van Valkenburg, Weldon.
Total 13

Absent or not voting: Jabs.
Total 1

Excused: Baer, Cole, Jacobson, Jergeson, Wilson.
Total 5

HB 375 - Senator Crippen moved consideration of HB 375 be passed for the day. Motion carried unanimously.

HB 384 - Senator Crismore moved HB 384 be concurred in. Motion carried unanimously.

HB 424 - Senator Hargrove moved consideration of HB 424 be passed for the day. Motion carried unanimously.

HB 428 - Senator Hertel moved HB 428 be concurred in. Motion carried as follows:

Yeas: Bartlett, Benedict, Brooke, Burnett, Christiaens, Crippen, Crismore, Doherty, Eck, Emerson, Forrester, Foster, Franklin, Halligan, Harding, Hargrove, Hertel, Holden, Jabs, Keating, Klampe, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Van Valkenburg, Waterman, Weldon, Mr. President.
Total 31

Nays: Aklestad, Beck, Devlin, Estrada, Grosfield, Harp, Jenkins, Mohl, Stang, Swysgood, Toews.
Total 11

Absent or not voting: Bishop, Gage, Tveit.
Total 3

Excused: Baer, Cole, Jacobson, Jergeson, Wilson.
Total 5

HB 433 - Senator Beck moved HB 433 be concurred in. Motion carried unanimously.

HB 439 - Senator Pipinich moved HB 439 be concurred in. Motion carried unanimously.

HB 536 - Senator Benedict moved HB 536 be concurred in. Motion carried unanimously.

HB 553 - Senator Beck moved HB 553 be concurred in. Motion carried unanimously.

Senator Swysgood resumed the chair.

HJR 16 - Senator Gage moved HJR 16 be adopted. Motion carried unanimously.

SB 355 House Amendments - Senator Forrester moved House Amendments to SB 355 be concurred in. Motion carried unanimously.

HB 55 - Senator L. Nelson moved HB 55 be concurred in. Motion carried unanimously.

HB 65 - Senator Holden moved HB 65 be concurred in. Motion carried unanimously.

HB 68 - Senator Keating moved HB 68, second reading copy, be amended as follows:

1. AMEND SENATE COMMITTEE ON LABOR AND EMPLOYMENT RELATIONS COMMITTEE REPORT DATED MARCH 15, 1995, AS FOLLOWS:

Amendment No. 4, on page 3, line 5 of committee report
In section 39-71-201(1)(b), following: "~~boilers and~~"
Strike: "issuance of licenses to operating engineers"
Insert: "inspection of boilers"

Motion passed unanimously.

Senator Keating moved HB 68, as amended, be concurred in. Motion carried with Senator Toews voting nay.

HB 111 - Senator Stang moved consideration of HB 111 be passed for the day. Motion carried unanimously.

HB 194 - Senator Christiaens moved HB 194 be concurred in. Motion failed as follows:

Yeas: Aklestad, Bartlett, Bishop, Burnett, Crismore, Devlin, Estrada, Franklin, Gage, Halligan, Harding, Hargrove, Harp, Holden, Jabs, Jenkins, Klampe, Mohl, Waterman.
Total 19

Nays: Beck, Benedict, Brooke, Christiaens, Crippen, Doherty, Eck, Emerson, Forrester, Foster, Grosfield, Hertel, Lynch, Mesaros, Miller, Nelson, Pipinich, Sprague, Stang, Swysgood, Toews, Tveit, Van Valkenburg, Weldon, Mr. President.
Total 25

Absent or not voting: Keating.
Total 1

Excused: Baer, Cole, Jacobson, Jergeson, Wilson.

Total 5

Senator Stang moved HB 194 be indefinitely postponed. Motion failed as follows:

Yeas: Crippen, Doherty, Emerson, Forrester, Franklin, Jenkins, Lynch, Nelson, Stang, Swysgood, Toews, Van Valkenburg, Weldon.
Total 13

Nays: Aklestad, Bartlett, Beck, Benedict, Bishop, Brooke, Burnett, Christiaens, Crismore, Devlin, Eck, Estrada, Foster, Gage, Grosfield, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Klampe, Mesaros, Miller, Mohl, Pipinich, Sprague, Tveit, Waterman, Mr. President.
Total 32

Absent or not voting: None.
Total 0

Excused: Baer, Cole, Jacobson, Jergeson, Wilson.
Total 5

HB 214 - Senator Christiaens moved consideration of HB 214 be passed for the day. Motion carried unanimously.

HB 219 - Senator Mohl moved HB 219 be concurred in. Motion carried unanimously.

HB 240 - Senator Halligan moved HB 240 be concurred in. Motion carried with Senators Miller and Burnett voting nay.

Senator Eck excused at this time.

HB 259 - Senator Estrada moved HB 259 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Burnett, Christiaens, Crippen, Doherty, Emerson, Estrada, Forrester, Franklin, Gage, Halligan, Harding, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Klampe, Lynch, Mesaros, Miller, Sprague, Tveit, Waterman, Mr. President.
Total 27

Nays: Aklestad, Benedict, Bishop, Brooke, Crismore, Devlin, Foster, Grosfield, Jenkins, Mohl, Nelson, Pipinich, Stang, Swysgood, Toews, Van Valkenburg, Weldon.
Total 17

Absent or not voting: None.
Total 0

Excused: Baer, Cole, Eck, Jacobson, Jergeson, Wilson.
Total 6

HB 270 - Senator Gage moved HB 270 be concurred in. Motion carried unanimously.

HB 322 - Senator Halligan moved HB 322 be concurred in. Motion carried unanimously.

HB 372 - Senator Benedict moved HB 372 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Brown in the Chair. Chairman Swysgood moved that the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Monday, March 20, 1995. Motion carried.

Senate adjourned at 1:59 p.m.

ROSANA SKELTON
Secretary of Senate

BOB BROWN
President of the Senate